

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 679, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Griffin

Griffin-TEK-FS-Req#1562
2/27/2013 9:41 AM

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 679

By: Griffin and Ivester of the
Senate

and

Nelson of the House

FLOOR SUBSTITUTE

[juvenile code - juvenile detention requirements and
case transfer procedure - codification - effective
date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-1-102, is
amended to read as follows:

Section 2-1-102. It is the intent of the Legislature that
Article 2 of this title shall be liberally construed, to the end
that its purpose may be carried out.

The purpose of the laws relating to juveniles alleged or
adjudicated to be delinquent is to promote the public safety and
reduce juvenile delinquency. This purpose should be pursued through
means that are fair and just, that:

1. Recognize the unique characteristics and needs of juveniles;

2. Give juveniles access to opportunities for personal and social growth;
3. Maintain the integrity of substantive law prohibiting certain behavior and developing individual responsibility for lawful behavior;
4. Provide a system relying upon individualized treatment and best practice for the rehabilitation and reintegration of juvenile delinquents into society;
5. Preserve and strengthen family ties whenever possible, including improvement of home environment;
6. Remove a juvenile from the custody of parents if the welfare and safety of the juvenile or the protection of the public would otherwise be endangered;
7. Secure for any juvenile removed from the custody of parents the necessary treatment, care, guidance and discipline to assist the juvenile in becoming a responsible and productive member of society; and
8. Provide procedures through which the provisions of the law are executed and enforced and which will assure the parties fair hearings at which their rights as citizens are recognized and protected.

SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-1-103, is amended to read as follows:

1 Section 2-1-103. When used in the Oklahoma Juvenile Code,
2 unless the context otherwise requires:

3 1. "Adjudicatory hearing" means a hearing to determine whether
4 the allegations of a petition filed pursuant to the provisions of
5 Chapter 2 of the Oklahoma Juvenile Code are supported by the
6 evidence and whether a juvenile should be adjudged to be a ward of
7 the court;

8 2. "Alternatives to secure detention" means those services and
9 facilities which are included in the State Plan for the
10 Establishment of Juvenile Detention Services adopted by the Board of
11 Juvenile Affairs and which are used for the temporary detention of
12 juveniles in lieu of secure detention in a juvenile detention
13 facility;

14 3. "Behavioral health" means mental health, substance abuse or
15 co-occurring mental health and substance abuse diagnoses, and the
16 continuum of mental health, substance abuse, or co-occurring mental
17 health and substance abuse treatment;

18 4. "Behavioral health facility" means a mental health or
19 substance abuse facility as provided for by the Inpatient Mental
20 Health and Substance Abuse Treatment of Minors Act;

21 5. "Board" means the Board of Juvenile Affairs;

22 6. "Child" or "juvenile" means any person under eighteen (18)
23 years of age, except for any person charged and convicted for any
24 offense specified in the Youthful Offender Act or against whom

1 judgment and sentence has been deferred for such offense, or any
2 person who is certified as an adult pursuant to any certification
3 procedure authorized in the Oklahoma Juvenile Code for any offense
4 which results in a conviction or against whom judgment and sentence
5 has been deferred for such offense;

6 7. "Child or juvenile in need of mental health and substance
7 abuse treatment" means a juvenile in need of mental health and
8 substance abuse treatment as defined by the Inpatient Mental Health
9 and Substance Abuse Treatment of Minors Act;

10 8. "Child or juvenile in need of supervision" means a juvenile
11 who:

- 12 a. has repeatedly disobeyed reasonable and lawful
13 commands or directives of the parent, legal guardian,
14 or other custodian,
- 15 b. is willfully and voluntarily absent from his home
16 without the consent of the parent, legal guardian, or
17 other custodian for a substantial length of time or
18 without intent to return,
- 19 c. is willfully and voluntarily absent from school, as
20 specified in Section 10-106 of Title 70 of the
21 Oklahoma Statutes, if the juvenile is subject to
22 compulsory school attendance, or
23
24

d. has been served with an ex parte or final protective order pursuant to the Protection from Domestic Abuse Act;

9. "Community-based" means a facility, program or service located near the home or family of the juvenile, and programs of community prevention, diversion, supervision and service which maintain community participation in their planning, operation, and evaluation. These programs may include but are not limited to medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, prevention and diversion programs, diversion programs for first-time offenders, transitional living, independent living and other rehabilitative services;

10. "Community intervention center" means a facility which serves as a short-term reception facility to receive and hold juveniles for an alleged violation of a municipal ordinance, ~~or~~ state law or who are alleged to be in need of supervision, as provided for in subsection D of Section 2-7-305 of this title;

11. "Core community-based" means the following community-based facilities, programs or services provided through contract with the Office of Juvenile Affairs as provided in Section 2-7-306 of this title:

a. screening, evaluation and assessment which includes a face-to-face screening and evaluation to establish

- 1 problem identification and to determine the risk level
2 of a child or adolescent and may result in clinical
3 diagnosis or diagnostic impression,
- 4 b. treatment planning which includes preparation of an
5 individualized treatment plan which is usually done as
6 part of the screening, evaluation and assessment,
- 7 c. treatment plan reviewing which includes a
8 comprehensive review and evaluation of the
9 effectiveness of the treatment plan,
- 10 d. individual counseling which includes face-to-face,
11 one-on-one interaction between a counselor and a
12 juvenile to promote emotional or psychological change
13 to alleviate the issues, problems, and difficulties
14 that led to a referral, including ongoing assessment
15 of the status and response of the juvenile to
16 treatment as well as psychoeducational intervention,
- 17 e. group counseling which includes a method of treating a
18 group of individuals using the interaction between a
19 counselor and two or more juveniles ~~and/or~~ or parents
20 or guardians to promote positive emotional or
21 behavioral change, not including social skills
22 development or daily living skills,
- 23 f. family counseling which includes a face-to-face
24 interaction between a counselor and the family of the

1 juvenile to facilitate emotional, psychological or
2 behavior changes and promote successful communication
3 and understanding,

4 g. crisis intervention counseling which includes
5 unanticipated, unscheduled face-to-face emergency
6 intervention provided by a licensed level or qualified
7 staff with immediate access to a licensed provider to
8 resolve immediate, overwhelming problems that severely
9 impair the ability of the juvenile to function or
10 maintain in the community,

11 h. crisis intervention telephone support which includes
12 supportive telephone assistance provided by a licensed
13 level provider or qualified staff with immediate
14 access to a licensed provider to resolve immediate,
15 overwhelming problems that severely impair the ability
16 of the juvenile to function or maintain in the
17 community,

18 i. case management which includes planned linkage,
19 advocacy and referral assistance provided in
20 partnership with a client to support that client in
21 self-sufficiency and community tenure,

22 j. case management and home-based services which includes
23 that part of case management services dedicated to
24 travel for the purpose of linkage, advocacy and

1 referral assistance and travel to provide counseling
2 and support services to families of children as needed
3 to support specific youth and families in self-
4 sufficiency and community tenure,

5 k. individual rehabilitative treatment which includes
6 face-to-face service provided one-on-one by qualified
7 staff to maintain or develop skills necessary to
8 perform activities of daily living and successful
9 integration into community life, including educational
10 and supportive services regarding independent living,
11 self-care, social skills regarding development,
12 lifestyle changes and recovery principles and
13 practices,

14 l. group rehabilitative treatment which includes face-to-
15 face group services provided by qualified staff to
16 maintain or develop skills necessary to perform
17 activities of daily living and successful integration
18 into community life, including educational and
19 supportive services regarding independent living,
20 self-care, social skills regarding development,
21 lifestyle changes and recovery principles and
22 practices,

23 m. community-based prevention services which include
24 services delivered in an individual or group setting

1 by a qualified provider designed to meet the services
2 needs of a child or youth and family of the child or
3 youth who has been referred because of identified
4 problems in the family or community. The group
5 prevention planned activities must be focused on
6 reducing the risk that individuals will experience
7 behavioral, substance abuse or delinquency-related
8 problems. Appropriate curriculum-based group
9 activities include, but are not limited to, First
10 Offender groups, prevention and relationship
11 enhancement groups, anger management groups, life
12 skills groups, substance abuse education groups,
13 smoking cessation groups, STD/HIV groups and parenting
14 groups,

15 n. individual paraprofessional services which include
16 services delineated in the treatment plan of the
17 juvenile which are necessary for full integration of
18 the juvenile into the home and community, but do not
19 require a professional level of education and
20 experience. Activities include assisting families
21 with Medicaid applications, assisting with school and
22 General Educational Development (GED) enrollment,
23 assisting youth with independent living arrangements,
24 providing assistance with educational problems and

1 deficiencies, acting as a role model for youth while
2 engaging them in community activities, assisting youth
3 in seeking and obtaining employment, providing
4 transportation for required appointments and
5 activities, participating in recreational activities
6 and accessing other required community support
7 services necessary for full community integration and
8 successful treatment,

9 o. tutoring which includes a tutor and student working
10 together as a learning team to bring about overall
11 academic success, improved self-esteem and increased
12 independence as a learner for the student,

13 p. community relations which include public or community
14 relations activities directed toward the community or
15 public at large or any segment of the public to
16 encourage understanding, accessibility and use of
17 community-based facilities, programs or services,

18 q. emergency ~~shelter beds~~ shelters and shelter host homes
19 which include emergency ~~shelter care~~ living
20 accommodations twenty-four (24) hours a day for a
21 period of less than ninety (90) days for juveniles
22 ~~referred to the program needing shelter care within~~
23 ~~the State of Oklahoma~~ children and juveniles in a
24 crisis situation such as abandonment, abuse, neglect,

runaway, respite, or other situations requiring law enforcement or court involvement. The shelter or shelter host homes may provide care, education, mental health assessment and treatment, counseling, recreational activities, medical care and referrals needed by children and juveniles to minimize trauma and aid the transition to a permanent placement,

r. transitional living programs which include a structured program to help older homeless youth achieve self-sufficiency and avoid long-term dependence on social services,

s. community-at-risk services (C.A.R.S.) which include a program provided to juveniles in custody or under the supervision of the Office of Juvenile Affairs or a juvenile bureau to prevent out-of-home placement and to reintegrate juveniles returning from placements. The program shall include, but not be limited to, treatment plan development, counseling, diagnostic and evaluation services, mentoring, tutoring, and supervision of youth in independent living,

t. first offender programs which include alternative diversion programs, as defined by Section 2-2-404 of this title, and

1 u. other community-based facilities, programs or services
2 designated by the Board as core community-based
3 facilities, programs or services;

4 12. "Day treatment" means a program which provides intensive
5 services to juveniles who reside in their own home, the home of a
6 relative, or a foster home. Day treatment programs include
7 educational services and may be operated as a part of a residential
8 facility;

9 13. "Delinquent child or juvenile" means a juvenile who:

10 a. has violated any federal or state law or municipal
11 ordinance except a traffic statute or traffic
12 ordinance or any provision of the Oklahoma Wildlife
13 Conservation Code, the Oklahoma Vessel and Motor
14 Regulation Act or the Oklahoma Boating Safety
15 Regulation Act, or has violated any lawful order of
16 the court made pursuant to the provisions of the
17 Oklahoma Juvenile Code, or

18 b. has habitually violated traffic laws, traffic
19 ordinances or boating safety laws or rules;

20 14. "Dispositional hearing" means a hearing to determine the
21 order of disposition which should be made with respect to a juvenile
22 adjudged to be a ward of the court;

23 15. "Executive Director" means the Executive Director of the
24 Office of Juvenile Affairs;

1 16. "Facility" means a place, an institution, a building or
2 part thereof, a set of buildings, or an area whether or not
3 enclosing a building or set of buildings which is used for the
4 lawful custody and treatment of juveniles. A facility shall not be
5 considered a correctional facility subject to the provisions of
6 Title 57 of the Oklahoma Statutes;

7 17. "Graduated sanctions" means a calibrated system of
8 sanctions designed to ensure that juvenile offenders face uniform,
9 immediate, and consistent consequences that correspond to the
10 seriousness of each offender's current offense, prior delinquent
11 history, and compliance with prior interventions;

12 18. "Group home" means a residential facility with a program
13 which emphasizes family-style living in a homelike environment.
14 Said group home may also offer a program within the community to
15 meet the specialized treatment needs of its residents. A group home
16 shall not be considered a correctional facility subject to the
17 provisions of Title 57 of the Oklahoma Statutes;

18 19. "Independent living program" means a program designed to
19 assist a juvenile to enhance skills and abilities necessary for
20 successful adult living and may include but shall not be limited to
21 minimal direct staff supervision and supportive services in making
22 the arrangements necessary for an appropriate place of residence,
23 completing an education, vocational training, obtaining employment
24 or other similar services;

1 20. "Institution" means a residential facility offering care
2 and treatment for more than twenty residents. An institution shall
3 not be considered a correctional facility subject to the provisions
4 of Title 57 of the Oklahoma Statutes. Said institution may:

5 a. have a program which includes community participation
6 and community-based services, or

7 b. be a secure facility with a program exclusively
8 designed for a particular category of resident;

9 21. "Juvenile detention facility" means a secure facility which
10 meets the certification standards of the Office and which is
11 entirely separate from any prison, jail, adult lockup, or other
12 adult facility, for the temporary care of children. A juvenile
13 detention facility shall not be considered a correctional facility
14 subject to the provisions of Title 57 of the Oklahoma Statutes;

15 22. "Municipal juvenile facility" means a facility other than a
16 community intervention center that accepts a child under eighteen
17 (18) years of age charged with violating a municipal ordinance and
18 meets the requirements of Section 2-2-102 of this title;

19 23. "Office" means the Office of Juvenile Affairs;

20 24. "Peer Review" means an initial or annual review and report
21 to the Office of Juvenile Affairs of the organization, programs,
22 records and financial condition of a Youth Services Agency by the
23 Oklahoma Association of Youth Services, or another Oklahoma
24 nonprofit corporation whose membership consists solely of Youth

1 Services Agencies and of whom at least a majority of Youth Services
2 Agencies are members. An annual review may consist of a review of
3 one or more major areas of the operation of the Youth Services
4 Agency being reviewed;

5 25. "Person responsible for a juvenile's health or welfare"
6 includes a parent, a legal guardian, custodian, a foster parent, a
7 person eighteen (18) years of age or older with whom the juvenile's
8 parent cohabitates or any other adult residing in the home of the
9 child, an agent or employee of a public or private residential home,
10 institution or facility, or an owner, operator, or employee of a
11 child care facility as defined by Section 402 of Title 10 of the
12 Oklahoma Statutes;

13 26. "Preliminary inquiry" or "intake" means a mandatory,
14 preadjudicatory interview of the juvenile and, if available, the
15 parents, legal guardian, or other custodian of the juvenile, which
16 is performed by a duly authorized individual to determine whether a
17 juvenile comes within the purview of the Oklahoma Juvenile Code,
18 whether nonadjudicatory alternatives are available and appropriate,
19 and if the filing of a petition is necessary;

20 27. "Probation" means a legal status created by court order
21 whereby a delinquent juvenile is permitted to remain outside an
22 Office of Juvenile Affairs facility directly or by contract under
23 prescribed conditions and under supervision by the Office, subject
24

1 to return to the court for violation of any of the conditions
2 prescribed;

3 28. "Rehabilitative facility" means a facility maintained by
4 the state exclusively for the care, education, training, treatment,
5 and rehabilitation of juveniles in need of supervision;

6 29. "Responsible adult" means a stepparent, foster parent,
7 person related to the juvenile in any manner who is eighteen (18)
8 years of age or older, or any person having an obligation and
9 authority to care for or safeguard the juvenile in the absence of
10 another person who is eighteen (18) years of age or older;

11 30. "Secure detention" means the temporary care of juveniles who
12 require secure custody in physically restricting facilities:

- 13 a. while under the continuing jurisdiction of the court
14 pending court disposition, or
- 15 b. pending placement by the Office of Juvenile Affairs
16 after adjudication;

17 31. "Training school" or "secure facility" means a facility,
18 maintained by the state exclusively for the care, education,
19 training, treatment, and rehabilitation of delinquent juveniles or
20 youthful offenders which relies on locked rooms and buildings, and
21 fences for physical restraint in order to control behavior of its
22 residents. A training school or secure facility shall not be
23 considered a correctional facility subject to the provisions of
24 Title 57 of the Oklahoma Statutes;

1 32. "Transitional living program" means a residential program
2 that may be attached to an existing facility or operated solely for
3 the purpose of assisting juveniles to develop the skills and
4 abilities necessary for successful adult living. Said program may
5 include but shall not be limited to reduced staff supervision,
6 vocational training, educational services, employment and employment
7 training, and other appropriate independent living skills training
8 as a part of the transitional living program; and

9 33. "Youth Services Agency" means a nonprofit corporation with
10 a local board of directors, officers and staff that has been
11 designated by the Board as a Youth Services Agency, that is peer
12 reviewed annually, and that provides community-based facilities,
13 programs or services to juveniles and their families in the youth
14 services service area in which it is located.

15 SECTION 3. AMENDATORY 10A O.S. 2011, Section 2-2-101, is
16 amended to read as follows:

17 Section 2-2-101. A. A child may be taken into custody prior to
18 the filing of a petition alleging that the child is delinquent or in
19 need of supervision:

20 1. By a peace officer, without a court order for any criminal
21 offense for which the officer is authorized to arrest an adult
22 without a warrant, ~~or if the child is willfully and voluntarily~~
23 ~~absent from the home of the child without the consent of the parent,~~
24 ~~legal guardian, legal custodian or other person having custody and~~

1 ~~control of the child for a substantial length of time or without~~
2 ~~intent to return,~~ or if the surroundings of the child are such as to
3 endanger the welfare of the child;

4 2. By a peace officer or an employee of the court without a
5 court order, if the child ~~is willfully and voluntarily absent~~ has
6 run away from the home ~~of the child~~ without the consent of the
7 ~~parent, legal guardian, legal custodian or other person having~~
8 ~~custody and control of the child for a substantial length of time or~~
9 ~~without intent to return, or if the surroundings of the child are~~
10 ~~such as to endanger the welfare of the child~~ just cause or, in the
11 reasonable belief of the employee of the court or peace officer,
12 appears to have run away from home without just cause. For purposes
13 of this section, a peace officer may reasonably believe that a child
14 has run away from home when the child refuses to give his or her
15 name or the name and address of a parent or other person legally
16 responsible for the care of the child or when the peace officer has
17 reason to doubt that the name and address given by the child are the
18 actual name and address of the parent or other person legally
19 responsible for the care of the child. A peace officer or court
20 employee is authorized by the court to take a child who has run away
21 from home or who, in the reasonable belief of the peace officer,
22 appears to have run away from home, to a facility designated for
23 such purposes if the peace officer or court employee is unable to or
24 has determined that it is unsafe to return the child to the home of

1 the child or to the custody of his or her parent or other person
2 legally responsible for the care of the child. Any such facility
3 receiving a child shall inform a parent or other person responsible
4 for the care of the child;

5 3. Pursuant to an order of the district court issued on the
6 application of the office of the district attorney. The application
7 presented by the district attorney shall be supported by a sworn
8 affidavit which may be based upon information and belief. The
9 application shall state facts sufficient to demonstrate to the court
10 that there is probable cause to believe the child has committed a
11 crime or is in violation of the terms of probation, parole or order
12 of the court;

13 4. By order of the district court pursuant to subsection ~~B~~ F of
14 this section when the child is in need of medical or behavioral
15 health treatment or other action in order to protect the health or
16 welfare of the child and the parent, legal guardian, legal custodian
17 or other person having custody or control of the child is unwilling
18 or unavailable to consent to such medical or behavioral health
19 treatment or other action; and

20 5. Pursuant to an emergency ex parte or a final protective
21 order of the district court issued at the request of a parent or
22 legal guardian pursuant to the Protection from Domestic Abuse Act.

23 Any child referred to in this subsection shall not be considered
24 to be in the custody of the Office of Juvenile Affairs.

1 B. Whenever a child is taken into custody as a delinquent child
2 ~~or a child in need of supervision pursuant to subsection A of this~~
3 ~~section~~, the child shall be detained, held temporarily in the
4 custodial care of a peace officer or other person employed by a
5 police department, or be released to the custody of the parent of
6 the child, legal guardian, legal custodian, attorney or other
7 responsible adult, upon the written promise of such person to bring
8 the child to the court at the time fixed if a petition is to be
9 filed and to assume responsibility for costs for damages caused by
10 the child if the child commits any delinquent acts after being
11 released regardless of whether or not a petition is to be filed. It
12 shall be a misdemeanor for any person to sign the written promise
13 and then fail to comply with the terms of the promise. Any person
14 convicted of violating the terms of the written promise shall be
15 subject to imprisonment in the county jail for not more than six (6)
16 months or a fine of not more than Five Hundred Dollars (\$500.00), or
17 by both such fine and imprisonment. In addition, if a parent, legal
18 guardian, legal custodian, attorney or other responsible adult is
19 notified that the child has been taken into custody, it shall be a
20 misdemeanor for such person to refuse to assume custody of the child
21 within a timely manner. If detained, the child shall be taken
22 immediately before a judge of the district court in the county in
23 which the child is sought to be detained, or to the place of
24 detention or shelter designated by the court. If no judge be

1 available locally, the person having the child in custody shall
2 immediately report the detention of the child to the presiding judge
3 of the judicial administrative district, provided that the child
4 shall not be detained in custody beyond the next judicial day or for
5 good cause shown due to problems of arranging for and transporting
6 the child to and from a secure juvenile detention center, beyond the
7 second judicial day unless the court shall so order after a
8 detention hearing to determine if there exists probable cause to
9 detain the child. The child shall be present at the detention
10 hearing or the image of the child may be broadcast to the judge by
11 closed-circuit television or any other electronic means that
12 provides for a two-way communication of image and sound between the
13 child and the judge. If the latter judge cannot be reached, such
14 detention shall be reported immediately to any judge regularly
15 serving within the judicial administrative district. If detained, a
16 reasonable bond for release shall be set. Pending further
17 disposition of the case, a child whose custody has been assumed by
18 the court may be released to the custody of a parent, legal
19 guardian, legal custodian, or other responsible adult or to any
20 other person appointed by the court, or be detained pursuant to
21 Chapter 3 of the Oklahoma Juvenile Code in such place as shall be
22 designated by the court, subject to further order.

23 C. When a child is taken into custody as a child in need of
24 supervision, the child shall be detained and held temporarily in the

1 custodial care of a peace officer or placed within a community
2 intervention center as defined in subsection D of Section 2-7-305 of
3 this title, an emergency shelter, emergency shelter host home, or be
4 released to the custody of the parent of the child, legal guardian,
5 legal custodian, attorney or other responsible adult, upon the
6 written promise of such person to bring the child to court at the
7 time fixed if a petition is to be filed. A child who is alleged or
8 adjudicated to be in need of supervision shall not be detained in
9 any jail, lockup, or other place used for adults convicted of a
10 crime or under arrest and charged with a crime.

11 D. When any child is taken into custody pursuant to this title
12 and it reasonably appears to the peace officer, employee of the
13 court or person acting pursuant to court order that the child is in
14 need of medical treatment to preserve the health of the child, any
15 peace officer, any employee of the court or person acting pursuant
16 to court order shall have the authority to authorize medical
17 examination and medical treatment for any child found to be in need
18 of medical treatment as diagnosed by a competent medical authority
19 in the absence of the parent of the child, legal guardian, legal
20 custodian, or other person having custody and control of the child
21 who is competent to authorize medical treatment. The officer or the
22 employee of the court or person acting pursuant to court order shall
23 authorize said medical treatment only after exercising due diligence
24 to locate the parent of the child, legal guardian, legal custodian,

1 or other person legally competent to authorize said medical
2 treatment. The parent of the child, legal guardian, legal
3 custodian, or other person having custody and control shall be
4 responsible for such medical expenses as ordered by the court. No
5 peace officer, any employee of the court or person acting pursuant
6 to court order authorizing such treatment in accordance with the
7 provisions of this section for any child found in need of such
8 medical treatment shall have any liability, civil or criminal, for
9 giving such authorization.

10 ~~D.~~ E. A child who has been taken into custody as otherwise
11 provided by this Code who appears to be a minor in need of
12 treatment, as defined by the Inpatient Mental Health and Substance
13 Abuse Treatment of Minors Act, may be admitted to a behavioral
14 health treatment facility in accordance with the provisions of the
15 Inpatient Mental Health and Substance Abuse Treatment of Minors Act.
16 The parent of the child, legal guardian, legal custodian, or other
17 person having custody and control shall be responsible for such
18 behavioral health expenses as ordered by the court. No peace
19 officer, any employee of the court or person acting pursuant to
20 court order authorizing such treatment in accordance with the
21 provisions of this section for any child found in need of such
22 behavioral health evaluation or treatment shall have any liability,
23 civil or criminal, for giving such authorization.

1 ~~E.~~ F. 1. A child may be taken into custody pursuant to an
2 order of the court specifying that the child is in need of medical
3 treatment or other action to protect the health or welfare of the
4 child and the parent, legal guardian, legal custodian, or other
5 responsible adult having custody or control of a child is unwilling
6 or unavailable to consent to such medical treatment or other action.

7 2. If the child is in need of immediate medical treatment or
8 other action to protect the health or welfare of the child, the
9 court may issue an emergency ex parte order upon application of the
10 district attorney of the county in which the child is located. The
11 application for an ex parte order may be verbal or in writing and
12 shall be supported by facts sufficient to demonstrate to the court
13 that there is reasonable cause to believe that the child is in need
14 of immediate medical treatment or other action to protect the health
15 or welfare of the child. The emergency ex parte order shall be in
16 effect until a full hearing is conducted. A copy of the
17 application, notice for full hearing and a copy of any ex parte
18 order issued by the court shall be served upon such parent, legal
19 guardian, legal custodian, or other responsible adult having custody
20 or control of the child. Within twenty-four (24) hours of the
21 filing of the application the court shall schedule a full hearing on
22 the application, regardless of whether an emergency ex parte order
23 had been issued or denied.

1 3. Except as otherwise provided by paragraph 2 of this
2 subsection, whenever a child is in need of medical treatment to
3 protect the health or welfare of the child, or whenever any other
4 action is necessary to protect the health or welfare of the child,
5 and the parent of the child, legal guardian, legal custodian, or
6 other person having custody or control of the child is unwilling or
7 unavailable to consent to such medical treatment or other action,
8 the court, upon application of the district attorney of the county
9 in which the child is located, shall hold a full hearing within five
10 (5) days of filing the application. Notice of the hearing and a
11 copy of the application shall be served upon the parent, legal
12 guardian, legal custodian, or other person having custody or control
13 of the child.

14 4. At any hearing held pursuant to this subsection, the court
15 may grant any order or require such medical treatment or other
16 action as is necessary to protect the health or welfare of the
17 child.

18 5. a. The parent, legal guardian, legal custodian, or other
19 person having custody or control of the child shall be
20 responsible for such medical expenses as ordered by
21 the court.

22 b. No peace officer, any employee of the court or person
23 acting pursuant to court order authorizing such
24 treatment in accordance with the provisions of this

1 subsection for any child found in need of such medical
2 treatment shall have any liability, civil or criminal.

3 SECTION 4. AMENDATORY 10A O.S. 2011, Section 2-2-102, is
4 amended to read as follows:

5 Section 2-2-102. A. 1. Upon the filing of a petition alleging
6 the child to be in need of supervision, or upon the assumption of
7 custody pursuant to Section 2-2-101 of this title, the district
8 court of the county shall have jurisdiction where a child:

9 a. resides,

10 b. is found, or

11 c. is alleged to be or is found to be in need of
12 supervision.

13 2. The court shall have jurisdiction ~~of the~~ over any parent,
14 ~~legal custodian,~~ legal guardian or custodian of the child, and any
15 other person ~~stepparent of the child, or any adult person~~ living in
16 the home of ~~the~~ such child ~~regardless of where the parent, legal~~
17 ~~custodian, legal guardian, stepparent, or adult person living in the~~
18 ~~home of the child is found~~ who appears in court or has been properly
19 served with a summons pursuant to Section 2-2-107 of this title.

20 3. When jurisdiction has been obtained over a child who is or
21 is alleged to be in need of supervision, such may be retained until
22 the child becomes eighteen (18) years of age.

23 4. For the convenience of the parties and in the interest of
24 justice, a proceeding under the Oklahoma Juvenile Code, Article 2 of

1 this title, may be transferred to the district court in any other
2 county. However, prior to transferring a case to a different
3 county, the court shall contact the judge in the other county to
4 confirm that the judge will accept the transfer.

5 B. 1. Upon the filing of a petition alleging the child to be
6 delinquent or upon the assumption of custody pursuant to Section 2-
7 2-101 of this title, the district court of the county where the
8 delinquent act occurred shall have jurisdiction of the child and ~~of~~
9 ~~the~~ over any parent, legal custodian, legal guardian or custodian,
10 ~~stepparent~~ of the child ~~or any adult person~~ and any other person
11 living in the home of the such child regardless of where the parent,
12 ~~legal custodian, legal guardian, stepparent, or adult person living~~
13 ~~in the home of the child is found~~ who appears in court or has been
14 properly served with a summons pursuant to Section 2-2-107 of this
15 title.

16 2. When jurisdiction has been obtained over a child who is or
17 is alleged to be a delinquent, jurisdiction may be retained until
18 the child becomes nineteen (19) years of age upon the court's own
19 motion, motion by the district attorney or motion by the Office of
20 Juvenile Affairs, as provided in Section 2-7-504 of this title.

21 3. The juvenile proceeding may be filed before the child
22 becomes eighteen (18) years of age; within one (1) year after the
23 date of the eighteenth birthday of the child if the underlying act
24 would constitute a felony if committed by an adult; or within six

1 (6) months after the date of the eighteenth birthday if the
2 underlying act would constitute a misdemeanor if committed by an
3 adult.

4 C. The district court in which a petition is filed or the
5 district court in which custody has been assumed pursuant to the
6 provisions of Section 2-2-101 of this title may retain jurisdiction
7 of a delinquent child in such proceeding notwithstanding the fact
8 that the child is subject to the jurisdiction of another district
9 court within the state. Any adjudication and disposition made by
10 the court in which said petition is filed shall control over prior
11 orders in regard to the child.

12 D. Except as otherwise provided in the Oklahoma Juvenile Code,
13 a child who is charged with having violated any state statute or
14 municipal ordinance, other than those enumerated in Section 2-5-101,
15 2-5-205 or 2-5-206 of this title, shall not be tried in a criminal
16 action but in a juvenile proceeding.

17 E. If, during the pendency of a criminal charge against any
18 person, it shall be ascertained that the person was a child at the
19 time of committing the alleged offense, the district court or
20 municipal court shall transfer the case, together with all the
21 papers, documents and testimony connected therewith, to the juvenile
22 division of the district court. The division making the transfer
23 shall order the child to be taken forthwith to the place of
24 detention designated by the juvenile division, to that division

1 itself, or release the child to the custody of a suitable person to
2 be brought before the juvenile division.

3 F. Nothing in this act shall be construed to prevent the
4 exercise of concurrent jurisdiction by another division of the
5 district court or by the municipal courts in cases involving
6 children wherein the child is charged with the violation of a state
7 or municipal traffic law or ordinance.

8 SECTION 5. AMENDATORY 10A O.S. 2011, Section 2-2-104, is
9 amended to read as follows:

10 Section 2-2-104. A. A preliminary inquiry shall be conducted
11 to determine whether the interests of the public or of the child who
12 is within the purview of the Oklahoma Juvenile Code require that
13 further court action be taken. If it is determined by the
14 preliminary inquiry that no further action be taken and if agreed to
15 by the district attorney, the intake worker may make such informal
16 adjustment without a petition.

17 B. In the course of the preliminary inquiry, the intake worker
18 shall:

19 1. Hold conferences with the child and the parents, guardian or
20 custodian of the child for the purpose of discussing the disposition
21 of the referral made;

22 2. Interview such persons as necessary to determine whether the
23 filing of a petition would be in the best interests of the child and
24 the community;

1 3. Check existing records of any district court or tribal
2 court, law enforcement agencies, Office of Juvenile Affairs, and
3 Department of Human Services;

4 4. Obtain existing mental health, medical and educational
5 records of the child only with the consent of the child, the
6 parents, guardian or custodian of the child or by court order; and

7 5. Administer any screening and assessment instruments or refer
8 for necessary screening and assessments to assist in the
9 determination of any immediate needs of the child as well as the
10 immediate risks to the community. All screening and assessment
11 instruments shall be uniformly used by all intake workers, including
12 those employed by juvenile bureaus, and shall be instruments
13 specifically prescribed by the Office of Juvenile Affairs.

14 C. Upon review of any information presented in the preliminary
15 inquiry, the district attorney may consult with the intake worker to
16 determine whether the interests of the child and the public will be
17 best served by the dismissal of the complaint, the informal
18 adjustment of the complaint, or the filing of a petition.

19 D. Informal adjustment may be provided to the child by the
20 intake worker only where the facts reasonably appear to establish
21 prima facie jurisdiction and are admitted and where consent is
22 obtained from the district attorney, the parent of the child, legal
23 guardian, legal custodian, or legal counsel, if any, and the child.
24 The informal adjustment is an agreement whereby the child agrees to

1 fulfill certain conditions in exchange for not having a petition
2 filed against the child. The informal adjustment shall be completed
3 within a period of time not to exceed six (6) months and shall:

4 1. Be voluntarily entered into by all parties;

5 2. Be revocable by the child at any time by a written
6 revocation;

7 3. Be revocable by the intake worker in the event there is
8 reasonable cause to believe the child has failed to carry out the
9 terms of the informal adjustment or has committed a subsequent
10 offense;

11 4. Not be used as evidence against the child at any
12 adjudication hearing;

13 5. Be executed in writing and expressed in language
14 understandable to the persons involved; and

15 6. Become part of the juvenile record of the child.

16 ~~C.~~ E. The informal adjustment agreement under this section may
17 include, among other suitable methods, programs and procedures, the
18 following:

19 1. Participation in or referral to counseling, a period of
20 community service, drug or alcohol education or treatment,
21 vocational training or any other legal activity which in the opinion
22 of the intake officer would be beneficial to the child and family of
23 the child;

1 2. Require the child to undergo a behavioral health evaluation
2 and, if warranted, undergo appropriate care or treatment;

3 3. Restitution providing for monetary payment by the parents or
4 child to the victim who was physically injured or who suffered loss
5 of or damage to property as a result of the conduct alleged. Before
6 setting the amount of restitution, the intake officer shall consult
7 with the victim concerning the amount of damages; or

8 4. Informal adjustment projects, programs and services may be
9 provided through public or private agencies.

10 If the intake worker has reasonable cause to believe that the child
11 has failed to carry out the terms of the adjustment agreement or has
12 committed a subsequent offense, in lieu of revoking the agreement,
13 the intake worker may modify the terms of the agreement and extend
14 the period of the agreement for an additional six (6) months from
15 the date on which the modification was made with the consent of the
16 child or counsel of the child, if any.

17 ~~D.~~ F. If an informal adjustment is agreed to pursuant to
18 subsection ~~B~~ D of this section, the informal adjustment agreement
19 may require the child to pay a fee equal to no more than what the
20 court costs would have been had a petition been filed. The child
21 shall remit the fee directly to the agency responsible for the
22 monitoring and supervision of the child. If the supervising agency
23 is a juvenile bureau, then the fee shall be remitted to a revolving
24 fund of the county in which the juvenile bureau is located to be

1 designated the "Juvenile Deferral Fee Revolving Fund" and shall be
2 used by the juvenile bureau to defray costs for the operation of the
3 juvenile bureau. In those counties without juvenile bureaus and in
4 which the Office of Juvenile Affairs or one of their contracting
5 agencies provides the monitoring and supervision of the juvenile,
6 the fee shall be paid directly to the Office of Juvenile Affairs and
7 shall be used to defray the costs for the operation of the Office of
8 Juvenile Affairs.

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 2-2-104.1 of Title 10A, unless
11 there is created a duplication in numbering, reads as follows:

12 A. Diversion services shall be offered to children who are at
13 risk of being the subject of a child-in-need-of-supervision
14 petition. Diversion services shall be designed to provide an
15 immediate response to families in crisis and to divert children from
16 court proceedings. Diversion services may be provided by outside
17 agencies as designated by the district courts, juvenile bureaus,
18 court employees, or a combination thereof.

19 B. Diversion services shall clearly document diligent attempts
20 to provide appropriate services to the child and the family of the
21 child unless it is determined that there is no substantial
22 likelihood that the child and family of the child will benefit from
23 further diversion attempts.

24

1 C. Where the primary issue is truancy, steps taken by the
2 school district to improve the attendance or conduct of the child in
3 school shall be reviewed and attempts to engage the school district
4 in further diversion attempts shall be made if it appears that such
5 attempts will be beneficial to the child.

6 D. Efforts to prevent the filing of the petition may extend
7 until it is determined that there is no substantial likelihood that
8 the child and family of the child will benefit from further
9 attempts. Efforts at diversion may continue after the filing of the
10 petition where it is determined that the child and family of the
11 child will benefit therefrom.

12 E. A child-in-need-of-supervision petition shall not be filed
13 during the period that the designated agency, juvenile bureau, or
14 court employee is providing the diversion services. A finding that
15 the case has been successfully diverted shall constitute presumptive
16 evidence that the underlying allegations have been successfully
17 resolved.

18 F. The designated agency, juvenile bureau, or court employee
19 shall promptly give written notice to the child and family of the
20 child whenever attempts to prevent the filing of the petition have
21 terminated and shall indicate in the notice whether the efforts were
22 successful or whether a child-in-need-of-supervision petition should
23 be filed with the court. A petition shall not be filed where
24 diversion services have been terminated because the parent or other

1 person legally responsible for the child failed to consent to the
2 diversion plan or failed to actively participate in the services
3 provided.

4 SECTION 7. AMENDATORY 10A O.S. 2011, Section 2-2-107, is
5 amended to read as follows:

6 Section 2-2-107. A. After a petition shall have been filed,
7 unless the parties provided for in this section shall voluntarily
8 appear, a summons shall be issued which shall recite briefly the
9 nature of the proceeding with the phrase "as described more fully in
10 the attached petition" and requiring the person or persons who have
11 the custody or control of the child to appear personally and bring
12 the child before the court at a time and place stated. The summons
13 shall state the relief requested, and shall set forth the right of
14 the child, parents and other interested parties to have an attorney
15 present at the hearing on the petition.

16 B. The summons shall be served on the person who has actual
17 custody of the child, and if the child has reached the age of twelve
18 (12) years, a copy shall be served on the child. If the person who
19 has actual custody of the child shall be other than a parent or
20 guardian of the child, a copy of the summons shall be served on the
21 parent or guardian, or both. A copy of the summons shall be served
22 on a custodial parent, guardian or next friend. If no parent or
23 guardian can be found, a summons shall be served on such other
24 person or persons as the court shall designate.

1 Summons may be issued requiring the appearance of any other
2 person whose presence is necessary.

3 C. If it subsequently appears that a person who should have
4 been served was not served and has not entered an appearance, the
5 court shall immediately order the issuance of a summons which shall
6 be served on said person.

7 D. Service of summons shall be made as provided for service in
8 civil actions.

9 1. The court shall not hold the hearing until at least forty-
10 eight (48) hours after the service of the summons, except with the
11 consent of the parent or guardian of the child.

12 2. If the parent of the child is not served within the state,
13 the court shall not hold the hearing until at least five (5) days
14 after the date of mailing the summons, except with the consent of
15 the parent.

16 E. If after a petition has been filed, it appears that the
17 child is in such condition or surroundings that the welfare of the
18 child requires that custody be immediately assumed by the court, the
19 judge may immediately issue a detention order or warrant authorizing
20 the taking of said child into emergency custody. Any such child
21 shall not be considered to be in the custody of the Office of
22 Juvenile Affairs.

23 F. In a delinquency proceeding, whenever a warrant for the
24 arrest of a child shall issue, it shall state the offense the child

1 is being charged with having committed; ~~in a child in need of~~
2 ~~supervision proceeding, whenever a warrant for detention of a child~~
3 ~~shall issue, it shall state the reason for detention.~~ Warrants for
4 the arrest or detention of a child shall comport with all other
5 requirements of issuance of arrest warrants for adult criminal
6 offenders.

7 G. In case the summons cannot be served, or the parties served
8 fail to obey the same, or in any case when it shall be made to
9 appear to the judge that the service will be ineffectual or that the
10 welfare of the child requires that the child should be brought into
11 the custody of the court, a warrant may be issued against the parent
12 or guardian or against the child. Nothing in this section shall be
13 construed to authorize placement of a child in secure detention who
14 is not eligible for secure detention pursuant to Section 2-3-101 of
15 this title.

16 SECTION 8. AMENDATORY 10A O.S. 2011, Section 2-2-301, is
17 amended to read as follows:

18 Section 2-2-301. A. No information gained by a custodial
19 interrogation of a youthful offender under sixteen (16) years of age
20 or a child nor any evidence subsequently obtained as a result of
21 such interrogation shall be admissible into evidence against the
22 youthful offender or child unless the custodial interrogation about
23 any alleged offense by any law enforcement officer or investigative
24 agency, or employee of the court, or employee of the Office of

1 Juvenile Affairs is done in the presence of the parents, guardian,
2 attorney, adult relative, adult caretaker, or legal custodian of the
3 youthful offender or child. No such custodial interrogation shall
4 commence until the youthful offender or child and the parents,
5 guardian, attorney, adult relative, adult caretaker, or legal
6 custodian of the youthful offender or child have been fully advised
7 of the constitutional and legal rights of the youthful offender or
8 child, including the right to be represented by counsel at every
9 stage of the proceedings, and the right to have counsel appointed by
10 the court if the parties are without sufficient financial means;
11 provided, however, that no legal aid or other public or charitable
12 legal service shall make claim for compensation as contemplated
13 herein. It is further provided that where private counsel is
14 appointed in such cases, the court shall set reasonable compensation
15 and order the payment out of the court fund. As used in this
16 section, "custodial interrogation" means questioning of a youthful
17 offender under sixteen (16) years of age or child while that
18 youthful offender or child is in law enforcement custody or while
19 that youthful offender or child is being deprived of freedom of
20 action in any significant way by a law enforcement officer, employee
21 of the court, or employee of the Office. Custodial interrogation
22 shall conform with all requirements for interrogation of adult
23 criminal offenders. The term "custodial interrogation" shall not be
24 deemed to mean questioning of a youthful offender or child by a

1 public school administrator or teacher, so long as such questioning
2 is not being conducted on behalf of a law enforcement officer, an
3 employee of the court or an employee of the Office. Any information
4 gained from noncustodial questioning of a child or youthful offender
5 by a public school administrator or teacher concerning a wrongful
6 act committed on public school property shall be admissible into
7 evidence against the youthful offender or child.

8 B. A custodial interrogation of a youthful offender over
9 sixteen (16) years of age shall conform with all the requirements
10 for the interrogation of an adult.

11 C. If the youthful offender or child is not otherwise
12 represented by counsel, whenever a petition is filed pursuant to the
13 provisions of Section 2-2-104 of this title, the court shall appoint
14 an attorney, who shall not be a district attorney, for the youthful
15 offender or child regardless of any attempted waiver by the parent
16 or other legal custodian of the youthful offender or child of the
17 right of the youthful offender or child to be represented by
18 counsel. Counsel shall be appointed by the court only upon
19 determination by the court that the parent, legal guardian or legal
20 custodian is found to be indigent. If indigency is established, the
21 Oklahoma Indigent Defense System shall represent the child in
22 accordance with Section 1355.6 of Title 22 of the Oklahoma Statutes
23 or the applicable office of the county indigent defender shall
24 represent the child in accordance with Section 138.5 of Title 19 of

1 the Oklahoma Statutes. Provided, if the parent or legal guardian of
2 a child is not indigent but refuses to employ counsel, the court
3 shall appoint counsel to represent the child at detention hearings
4 until counsel is provided. Costs of representation shall be imposed
5 on the parent or other legal custodian as provided by Section 138.10
6 of Title 19 of the Oklahoma Statutes. Thereafter, the court shall
7 not appoint counsel for a child with a nonindigent parent or legal
8 custodian and shall order the parent or legal custodian to obtain
9 counsel. A parent or legal custodian of an indigent child who has
10 been ordered to obtain counsel for the child and who willfully fails
11 to follow the court order shall be found in indirect contempt of
12 court.

13 ~~D. Whenever a petition is filed alleging that a child is a~~
14 ~~delinquent child or a child in need of supervision, the court may~~
15 ~~appoint a guardian ad litem for the child at any time subsequent to~~
16 ~~the filing of the petition and shall appoint a guardian ad litem~~
17 ~~upon the request of the child or the attorney of the child. The~~
18 ~~guardian ad litem shall not be a district attorney, an employee of~~
19 ~~the office of the district attorney, an employee of the court, an~~
20 ~~employee of a juvenile bureau, or an employee of any public agency~~
21 ~~having duties or responsibilities towards the child~~ In all cases of
22 juvenile delinquency, adult certification, reverse certification, or
23 youthful offender proceedings and appeals, or any other proceedings
24 and appeals pursuant to the Oklahoma Juvenile Code, except mental

1 health or in-need-of-supervision proceedings and appeals, and any
2 other juvenile proceedings that are civil in nature, and other than
3 in counties where the office of the county indigent defender is
4 appointed, the Oklahoma Indigent Defense System shall be appointed
5 to represent indigent juveniles as provided for in the Indigent
6 Defense Act. In all other cases pursuant to this title, including
7 juvenile proceedings that are civil in nature, juvenile mental
8 health or in-need-of-supervision proceedings and appeals, with the
9 exception of proceedings in counties where the office of the county
10 indigent defender is appointed, the court shall, if counsel is
11 appointed and assigned, allow and direct to be paid from the local
12 court fund a reasonable and just compensation to the attorney or
13 attorneys for such services as they may render; provided, that any
14 attorney appointed pursuant to this subsection shall not be paid a
15 sum in excess of One Hundred Dollars (\$100.00) for services rendered
16 in preliminary proceedings, Five Hundred Dollars (\$500.00) for
17 services rendered during trial, and One Hundred Dollars (\$100.00)
18 for services rendered at each subsequent post-disposition hearing.

19 E. Counsel for the child shall advise the child and advocate
20 the expressed wishes of the child, as much as reasonably possible,
21 under the same ethical obligations as if the client were an adult.
22 Upon motion by the state, the child, the attorney for the child, or
23 a parent or legal custodian of the child, the court shall appoint a
24 guardian ad litem.

1 F. The guardian ad litem shall not be a district attorney, an
2 employee of the office of the district attorney, an employee of the
3 court, an employee of a juvenile bureau, or an employee of any
4 public agency having duties or responsibilities towards the child.

5 The guardian ad litem shall be given access to the court file and
6 access to all records and reports relevant to the case and to any
7 records and reports of examination of the child's parent or other
8 custodian, made pursuant to this section or Section ~~846~~ 1-2-101 of
9 ~~Title 21 of the Oklahoma Statutes~~ this title. Provided, nothing in
10 this subsection shall obligate counsel for the child to breach
11 attorney-client confidentiality with the child.

12 SECTION 9. AMENDATORY 10A O.S. 2011, Section 2-2-402, is
13 amended to read as follows:

14 Section 2-2-402. A. All cases of children shall be heard
15 separately from the trial of cases against adults. The adjudicative
16 hearings shall be conducted according to the rules of evidence, and
17 may be adjourned from time to time.

18 1. Except as provided by paragraph 2 of this subsection, the
19 hearings shall be private ~~unless specifically ordered by the judge~~
20 ~~to be conducted in public, and;~~ however, all persons having a direct
21 interest in the case as provided in this paragraph shall be
22 admitted. Any victim, relative, legal guardian of a victim, or a
23 person designated by the victim who is not subject to the rule of
24 sequestration as a witness of a delinquent act shall be considered

1 to have a direct interest in the case ~~and~~, shall be notified of all
2 court hearings involving that particular delinquent act ~~as provided~~
3 ~~by Section 215.33 of Title 19 of the Oklahoma Statutes,~~ and shall be
4 admitted to the proceedings. The court shall, however, remove all
5 persons having a direct interest in the case that are not the
6 parents or legal guardian of the child from any hearing where
7 evidence of the medical or behavioral health condition of the child
8 or specific instances of deprivation are being presented.

9 Stenographic notes or other transcript of the hearings shall be kept
10 as in other cases, but they shall not be open to inspection except
11 by order of the court or as otherwise provided by law.

12 2. ~~Hearings related to the second or subsequent delinquency~~
13 ~~adjudication of a child shall be public proceedings. The~~
14 ~~adjudications relied upon to determine whether a hearing is a public~~
15 ~~proceeding pursuant to this paragraph shall not have arisen out of~~
16 ~~the same transaction or occurrence or series of events closely~~
17 ~~related in time and location. Upon its own motion or the motion of~~
18 ~~any of the parties to the hearing and for good cause shown, the~~
19 ~~court may order specific testimony or evidence to be heard in~~
20 ~~private; provided, the court shall not exclude any relative, legal~~
21 ~~guardian of a victim, or a person designated by the victim who is~~
22 ~~not subject to the rule of sequestration as a witness from the~~
23 ~~hearing during testimony of the victim. For the purposes of this~~
24 ~~paragraph, "good cause" shall mean a showing that it would be~~

1 ~~substantially harmful to the mental or physical well-being of the~~
2 ~~child if such testimony or evidence were presented at a public~~
3 ~~hearing~~ The judge may, for good cause shown, open the court hearings
4 to educate members of the public about juvenile justice issues;
5 however, the identities of the juvenile respondents shall not be
6 published in any reports or articles of general circulation.

7 B. The child may remain silent as a matter of right in
8 delinquency hearings and in need of supervision hearings, and before
9 the child testifies, the child shall be so advised.

10 C. A decision determining a child to come within the purview of
11 the Oklahoma Juvenile Code shall be based on sworn testimony and the
12 child shall have the opportunity for cross-examination unless the
13 facts are stipulated or unless the child enters into a stipulation
14 that the allegations of the petition are true or that sufficient
15 evidence exists to meet the burden of proof required for the court
16 to sustain the allegations of the petition. In proceedings pursuant
17 to the Oklahoma Juvenile Code, the court may allow mileage as in
18 civil actions to witnesses and reimbursement for expert witnesses
19 but such shall not be tendered in advance of the hearing. If a
20 child is alleged to be delinquent and the facts are stipulated, the
21 judge shall ascertain from the child if the child agrees with the
22 stipulation and if the child understands the consequences of
23 stipulating the facts.

1 D. If the court finds that the allegations of a petition
2 alleging a child to be delinquent or in need of supervision are
3 supported by the evidence, the court shall sustain the petition, and
4 shall make an order of adjudication setting forth whether the child
5 is delinquent or in need of supervision and shall adjudge the child
6 as a ward of the court.

7 E. If the court finds that the allegations of the petition are
8 not supported by the evidence, the court shall order the petition
9 dismissed and shall order the child discharged from any detention or
10 restriction previously ordered. The parents, legal guardian or
11 other legal custodian of the child shall also be discharged from any
12 restriction or other previous temporary order.

13 SECTION 10. AMENDATORY 10A O.S. 2011, Section 2-2-404,
14 is amended to read as follows:

15 Section 2-2-404. A. A court may defer delinquency adjudication
16 ~~proceedings or proceedings to determine if a child is in need of~~
17 ~~supervision~~ for one hundred eighty (180) days if the child:

18 1. Is alleged to have committed or attempted to commit a
19 delinquent offense; ~~that if committed by an adult would be a~~
20 ~~misdemeanor or that if committed by an adult would be grand larceny~~
21 ~~of property valued at One Hundred Dollars (\$100.00) or less;~~

22 2. ~~Waives the privilege against self-incrimination and~~
23 ~~testifies, under oath, Enters into a stipulation that the~~
24 allegations are true or that sufficient evidence exists to meet the

1 burden of proof required for the court to sustain the allegations of
2 the petition; and

3 3. Has not been previously adjudicated a delinquent.

4 B. During such period of deferral, the court may require the
5 following:

6 1. Participation in or referral to counseling, a period of
7 community service, drug or alcohol education or treatment,
8 vocational training or any other legal activity which would be
9 beneficial to the child and the family of the child;

10 2. Require the child to undergo a behavioral health evaluation
11 and, if warranted by the mental condition of the child, undergo
12 appropriate care or treatment;

13 3. Restitution providing for monetary payment by the parents or
14 child, or both, to the victim who was physically injured or who
15 suffered loss of or damage to property as a result of the conduct
16 alleged;

17 4. An alternative diversion program; or

18 5. Any other programs and services that may be provided through
19 public or private agencies and as approved by the court.

20 C. The court shall dismiss the case with prejudice at the
21 conclusion of the deferral period if the child presents satisfactory
22 evidence that the requirements of the court have been successfully
23 completed.

1 D. As used in this section, "alternative diversion program"
2 means a program for juveniles who have been identified by law
3 enforcement personnel, the district attorney, or the court as having
4 committed acts which are not serious enough to warrant adjudication
5 through the juvenile court process, but which do indicate a need for
6 intervention to prevent further development toward juvenile
7 delinquency. The program shall be administered, pursuant to
8 contract with the Office of Juvenile Affairs, by organizations
9 designated as youth services agencies by law.

10 SECTION 11. AMENDATORY 10A O.S. 2011, Section 2-2-501,
11 is amended to read as follows:

12 Section 2-2-501. A. ~~After~~ No later than forty (40) days after
13 making an order of adjudication, the court shall hold a
14 dispositional hearing, at which all evidence helpful in determining
15 the proper disposition best serving the interest of the child and
16 the public, including but not limited to oral and written reports,
17 may be admitted and may be relied upon to the extent of its
18 probative value, even though not competent for the purposes of the
19 adjudicatory hearing.

20 B. Before making an order of disposition, the court shall
21 advise the district attorney, the parents, guardian, custodian or
22 responsible relative, and their counsel, of the factual contents and
23 the conclusion of reports prepared for the use of the court and
24 considered by it, and afford fair opportunity, if requested, to

1 controvert them. An order of disposition shall include a specific
2 finding and order of the court relative to the liability and
3 accountability of the parents for the care and maintenance of the
4 child as authorized by Section 2-2-706 of this title, unless custody
5 is placed with the parent or parents of the child.

6 C. On its own motion or that of the district attorney, or of
7 the parent, guardian, custodian, responsible relative or counsel,
8 the court may adjourn the hearing for a reasonable period to receive
9 reports or other evidence and, in such event, shall make an
10 appropriate order for detention of the child, or release of the
11 child from detention subject to supervision by the court, during the
12 period of the continuance.

13 D. In scheduling investigations and hearings, the court shall
14 give priority to proceedings in which a child is in detention, or
15 has otherwise been removed from his home, before an order of
16 disposition has been made.

17 SECTION 12. AMENDATORY 10A O.S. 2011, Section 2-2-502,
18 is amended to read as follows:

19 Section 2-2-502. A. ~~An individual treatment and service plan~~
20 ~~shall be filed with the court within the~~ Within thirty (30) days
21 ~~after any child has been adjudicated to be delinquent or in need of~~
22 ~~supervision. Said plan shall be filed~~ adjudication, by the person,
23 department or agency responsible for the supervision of the case ~~or~~
24 ~~by the legal custodian if the child has been removed from the~~

1 ~~custody of its lawful parent or parents. The treatment and service~~
2 ~~plan shall be based on a comprehensive assessment and evaluation of~~
3 ~~the child and family and include but not be limited to:~~ shall
4 provide a recommendation, based upon the comprehensive assessment
5 and evaluation process, for disposition to the court and counsel.
6 The recommendation shall include, but not be limited to, the child's
7 eligibility for probation, placement in community residential
8 treatment, or commitment with the Office of Juvenile Affairs.

9 B. If the recommendation is for probation, an individual
10 treatment and service plan shall be provided to the court and
11 counsel for the parties at the same time as the recommendation
12 provide for in subsection A of this section. If the recommendation
13 is for custody with the Office of Juvenile Affairs or is court-
14 ordered placement in other residential treatment, the individual
15 treatment and service plan shall be provided to the court and
16 counsel for the parties within thirty (30) days after disposition.
17 The plan shall be prepared by the person, department or agency
18 responsible for the supervision of the case or by the legal
19 custodian if the child has been removed from the custody of his or
20 her lawful parent or parents. The treatment and service plan shall
21 be based on a comprehensive assessment and evaluation of the child
22 and family and that identifies the priority needs of the child for
23 rehabilitation and treatment and identifies any needs of the parent
24 or legal guardian of the child for services that would improve their

ability to provide adequate support, guidance, and supervision of
the child. This process should take into account the detention risk
assessment decision, the intake preliminary assessment, any
comprehensive assessment for substance abuse treatment services,
behavioral health services, intellectual disabilities, literary
services, and other educational and treatment services as
components. The completed assessment process shall result in an
individual treatment and service plan which shall include, but not
be limited to:

1. A history of the child and family, including identification
of the problems leading to the adjudication;

2. The eligibility of the child for disposition of probation,
placement in community residential treatment, commitment with the
Office of Juvenile Affairs and, if appropriate, assignment of a
residential commitment level;

3. Identification of the specific services available to the
child to remediate or alleviate the conditions that led to the
adjudication, including but not limited to educational, vocational-
educational, medical, drug or alcohol abuse treatment or counseling
or other treatment services;

~~3.~~ 4. Identification of the services to be provided to the
parent, legal guardian, legal custodian, stepparent, other adult
person living in the home or other family members, to remediate or
alleviate the conditions that led to the adjudication, including

1 services needed to assist the family to provide proper care and
2 supervision of the child;

3 ~~4.~~ 5. Performance criteria that will measure the progress of
4 the child and family toward completion of the treatment and service
5 plan;

6 ~~5.~~ 6. A projected date for the completion of the treatment and
7 service plan; and

8 ~~6.~~ 7. The name and business address of the attorney
9 representing the child, if any.

10 ~~B.~~ C. The Office of Juvenile Affairs shall identify the
11 appropriate risk and needs assessment instruments used to develop
12 the recommendations of the individualized treatment and service
13 plan. The juvenile probation counselor shall be responsible for
14 making informed decisions and recommendations to other agencies, the
15 district attorney, and the courts so that the child and family of
16 the child may receive the least intrusive service alternative
17 throughout the court process.

18 D. The individual treatment and service plan shall be amended
19 as necessary and appropriate to reflect the disposition of the
20 court. The amended plan shall be filed with the court within thirty
21 (30) days of the order of disposition removing the child from the
22 home and shall state:

23 1. The reasons for such placement and a statement as to the
24 unavailability or inappropriateness of local placement, or other

1 good cause, for any placement more than fifty (50) miles from the
2 home of the child;

3 2. The services to be provided to the child while in such
4 placement and the projected date of discharge;

5 3. The services necessary to assist the child to reintegrate
6 with the family of the child or other community-based placement; and

7 4. If the child is age sixteen (16) or older, the services
8 necessary to make the transition from community placement to
9 independent living.

10 ~~C.~~ D. Whenever a child who is subject to the provisions of this
11 section is committed for inpatient mental health or substance abuse
12 treatment pursuant to the Inpatient Mental Health and Substance
13 Abuse Treatment of Minors Act, the individual treatment and service
14 plan shall be amended as necessary and appropriate, including but
15 not limited to identification of the treatment and services to be
16 provided to the child and his family upon discharge of the child
17 from inpatient mental health or substance abuse treatment.

18 SECTION 13. AMENDATORY 10A O.S. 2011, Section 2-2-503,
19 is amended to read as follows:

20 Section 2-2-503. A. The following kinds of orders of
21 disposition may be made in respect to children adjudicated in need
22 of supervision or delinquent:

23 1. The court may place the child on probation with or without
24 supervision in the home of the child, or in the custody of a

1 suitable person, upon such conditions as the court shall determine.
2 If the child is placed on probation, the court may impose a
3 probation fee of not more than Twenty-five Dollars (\$25.00) per
4 month, if the court finds that the child or parent or legal guardian
5 of the child has the ability to pay the fee. In counties having a
6 juvenile bureau, the fee shall be paid to the juvenile bureau; in
7 all other counties, the fee shall be paid to the Office of Juvenile
8 Affairs-;

9 2. If it is consistent with the welfare of the child, the child
10 shall be placed with the parent or legal guardian of the child, but
11 if it appears to the court that the conduct of such parent,
12 guardian, legal guardian, stepparent or other adult person living in
13 the home has contributed to the child becoming delinquent or in need
14 of supervision, the court may issue a written order specifying
15 conduct to be followed by such parent, guardian, legal custodian,
16 stepparent or other adult person living in the home with respect to
17 such child. The conduct specified shall be such as would reasonably
18 prevent the child from continuing to be delinquent or in need of
19 supervision.

20 a. If it is consistent with the welfare of the child, in
21 cases where the child has been adjudicated to be in
22 need of supervision due to repeated absence from
23 school, the court may order counseling and treatment
24 for the child and the parents of the child to be

1 provided by the local school district, the county, the
2 Office or a private individual or entity. Prior to
3 final disposition, the court shall require that it be
4 shown by the appropriate school district that a child
5 found to be truant has been evaluated for learning
6 disabilities, hearing and visual impairments and other
7 impediments which could constitute an educational
8 handicap or has been evaluated to determine whether
9 the child has a disability if it is suspected that the
10 child may require special education services in
11 accordance with the Individuals with Disabilities
12 Education Act (IDEA). The results of such tests shall
13 be made available to the court for use by the court in
14 determining the disposition of the case.

15 b. In issuing orders to a parent, guardian, legal
16 guardian, stepparent or other adult person living in
17 the home of a child adjudicated to be a delinquent
18 child or in making other disposition of said
19 delinquent child, the court may consider the testimony
20 of said parent, guardian, legal guardian, stepparent
21 or other adult person concerning the behavior of the
22 juvenile and the ability of such person to exercise
23 parental control over the behavior of the juvenile.
24

1 c. In any dispositional order involving a child age
2 sixteen (16) or older, the court shall make a
3 determination, where appropriate, of the services
4 needed to assist the child to make the transition to
5 independent living.

6 d. No child who has been adjudicated in need of
7 supervision only upon the basis of truancy or
8 noncompliance with the mandatory school attendance law
9 shall be placed in a public or private institutional
10 facility or be removed from the custody of the lawful
11 parent, guardian or custodian of the child.

12 e. Nothing in the Oklahoma Juvenile Code or the Oklahoma
13 Children's Code may be construed to prevent a child
14 from being adjudicated both deprived and delinquent if
15 there exists a factual basis for such a finding;

16 3. The court may commit the child to the custody of a private
17 institution or agency, including any institution established and
18 operated by the county, authorized to care for children or to place
19 them in family homes. In committing a child to a private
20 institution or agency, the court shall select one that is licensed
21 by any state department supervising or licensing private
22 institutions and agencies; or, if such institution or agency is in
23 another state, by the analogous department of that state. Whenever
24 the court shall commit a child to any institution or agency, it

1 shall transmit with the order of commitment a summary of its
2 information concerning the child, and such institution or agency
3 shall give to the court such information concerning the child as the
4 court may at any time require~~;~~;

5 4. The court may order the child to receive counseling or other
6 community-based services as necessary~~;~~;

7 5. The court may commit the child to the custody of the Office
8 of Juvenile Affairs. Any order adjudicating the child to be
9 delinquent and committing the child to the Office of Juvenile
10 Affairs shall be for an indeterminate period of time~~;~~;

11 6. If the child has been placed outside the home, and it
12 appears to the court that the parent, guardian, legal custodian, or
13 stepparent, or other adult person living in the home has contributed
14 to the child becoming delinquent or in need of supervision, the
15 court may order that the parent, guardian, legal custodian,
16 stepparent, or other adult living in the home be made subject to any
17 treatment or placement plan prescribed by the Office or other person
18 or agency receiving custody of the child~~;~~;

19 7. With respect to a child adjudicated a delinquent child, the
20 court may:

21 a. for acts involving criminally injurious conduct as
22 defined in Section 142.3 of Title 21 of the Oklahoma
23 Statutes, order the child to pay a victim compensation
24 assessment in an amount not to exceed that amount

1 specified in Section 142.18 of Title 21 of the
2 Oklahoma Statutes. The court shall forward a copy of
3 the adjudication order to the Crime Victims
4 Compensation Board for purposes of Section 142.11 of
5 Title 21 of the Oklahoma Statutes. Except as
6 otherwise provided by law, such adjudication order
7 shall be kept confidential by the Board,

8 b. order the child to engage in a term of community
9 service without compensation. The state or any
10 political subdivision shall not be liable if a loss or
11 claim results from any acts or omission of a child
12 ordered to engage in a term of community service
13 pursuant to the provisions of this paragraph,

14 c. order the child, the parent or parents of the child,
15 legal guardian of the child, or both the child and the
16 parent or parents of the child or legal guardian at
17 the time of the delinquent act of the child to make
18 full or partial restitution to the victim of the
19 offense which resulted in property damage or personal
20 injury.

21 (1) The court shall notify the victim of the
22 dispositional hearing. The court may consider a
23 verified statement from the victim concerning
24 damages for injury or loss of property and actual

1 expenses of medical treatment for personal
2 injury, excluding pain and suffering. If
3 contested, a restitution hearing to determine the
4 liability of the child, the parent or parents of
5 the child, or legal guardian shall be held not
6 later than thirty (30) days after the disposition
7 hearing and may be extended by the court for good
8 cause. The parent or parents of the child or
9 legal guardian may be represented by an attorney
10 in the matter of the order for remittance of the
11 restitution by the parent or parents of the child
12 or legal guardian. The burden of proving that
13 the amount indicated on the verified statement is
14 not fair and reasonable shall be on the person
15 challenging the fairness and reasonableness of
16 the amount.

17 (2) Restitution may consist of monetary reimbursement
18 for the damage or injury in the form of a lump
19 sum or installment payments after the
20 consideration of the court of the nature of the
21 offense, the age, physical and mental condition
22 of the child, the earning capacity of the child,
23 the parent or parents of the child, or legal
24 guardian, or the ability to pay, as the case may

1 be. The payments shall be made to such official
2 designated by the court for distribution to the
3 victim. The court may also consider any other
4 hardship on the child, the parent or parents of
5 the child, or legal guardian and, if consistent
6 with the welfare of the child, require community
7 service in lieu of restitution or require both
8 community service and full or partial restitution
9 for the acts of delinquency by the child.

10 (3) A child who is required to pay restitution and
11 who is not in willful default of the payment of
12 restitution may at any time request the court to
13 modify the method of payment. If the court
14 determines that payment under the order will
15 impose a manifest hardship on the child, the
16 parent or parents of the child, or legal
17 guardian, the court may modify the method of
18 payment.

19 (4) If the restitution is not being paid as ordered,
20 the official designated by the court to collect
21 and disburse the restitution ordered shall file a
22 written report of the violation with the court.
23 The report shall include a statement of the
24 amount of the arrearage and any reasons for the

1 arrearage that are known by the official. A copy
2 of the report shall be provided to all parties
3 and the court shall promptly take any action
4 necessary to compel compliance.

5 (5) Upon the juvenile attaining eighteen (18) years
6 of age, the court shall determine whether the
7 restitution order has been satisfied. If the
8 restitution order has not been satisfied, the
9 court shall enter a judgment of restitution in
10 favor of each person entitled to restitution for
11 the unpaid balance of any restitution ordered
12 pursuant to this subparagraph. The clerk of the
13 court shall send a copy of the judgment of
14 restitution to each person who is entitled to
15 restitution. The judgment shall be a lien
16 against all property of the individual or
17 individuals ordered to pay restitution and may be
18 enforced by the victim or any other person or
19 entity named in the judgment to receive
20 restitution in the same manner as enforcing
21 monetary judgments. The restitution judgment
22 does not expire until paid in full and is deemed
23 to be a criminal penalty for the purposes of a
24 federal bankruptcy involving the child,

- 1 d. order the child to pay the fine which would have been
2 imposed had such child been convicted of such crime as
3 an adult. Any such fine collected pursuant to this
4 paragraph shall be deposited in a special Work
5 Restitution Fund to be established by the court to
6 allow children otherwise unable to pay restitution to
7 work in community service projects in the private or
8 public sector to earn money to compensate their
9 victims,
- 10 e. order the cancellation or denial of driving privileges
11 as provided by Sections 6-107.1 and 6-107.2 of Title
12 47 of the Oklahoma Statutes,
- 13 f. sanction detention in the residence of the child or
14 facility designated by the ~~Department~~ Office of
15 Juvenile ~~Justice~~ Affairs or the juvenile bureau for
16 such purpose for up to five (5) days, order weekend
17 detention in a place other than a juvenile detention
18 facility or shelter, tracking, or house arrest with
19 electronic monitoring, and
- 20 g. impose ~~sanctions~~ consequences, including detention as
21 provided for in subparagraph f of this paragraph, for
22 ~~the violation of preadjudicatory or postadjudicatory~~
23 ~~violations of probation-;~~
24

1 8. The court may order the child to participate in the Juvenile
2 Drug Court Program~~;~~;

3 9. The court may dismiss the petition or otherwise terminate
4 its jurisdiction at any time for good cause shown~~;~~; and

5 10. In any dispositional order removing a child from the home
6 of the child, the court shall, in addition to the findings required
7 by ~~subsection A of~~ Section 2-2-105 of this title, make a
8 determination that, in accordance with the best interests of the
9 child and the protection of the public, reasonable efforts have been
10 made to provide for the return of the child to the home of the
11 child, or that efforts to reunite the family are not required as
12 provided in ~~subsection A of~~ Section 2-2-105 of this title, and
13 reasonable efforts are being made to finalize an alternate permanent
14 placement for the child.

15 B. Prior to adjudication or as directed by a law enforcement
16 subpoena or court order, a school district may disclose educational
17 records to the court or juvenile justice system for purposes of
18 determining the ability of the juvenile justice system to
19 effectively serve a child. Any disclosure of educational records
20 shall be in accordance with the requirements of the Family
21 Educational Rights and Privacy Act of 1974 (FERPA). If the parent,
22 guardian, or custodian of a child adjudicated a delinquent child
23 asserts that the child has approval not to attend school pursuant to
24 Section 10-105 of Title 70 of the Oklahoma Statutes, the court or

1 the Office of Juvenile Affairs may require the parent to provide a
2 copy of the written, joint agreement to that effect between the
3 school administrator of the school district where the child attends
4 school and the parent, guardian, or custodian of the child.

5 C. With respect to a child adjudicated a delinquent child for a
6 violent offense, within thirty (30) days of the date of the
7 adjudication either the juvenile bureau in counties which have a
8 juvenile bureau or the Office of Juvenile Affairs in all other
9 counties shall notify the superintendent of the school district in
10 which the child is enrolled or intends to enroll of the delinquency
11 adjudication and the offense for which the child was adjudicated.

12 D. ~~No~~ A child who has been adjudicated in need of supervision
13 and has not been adjudicated a delinquent child may not be placed in
14 a secure facility.

15 E. No child charged in a state or municipal court with a
16 violation of state or municipal traffic laws or ordinances, or
17 convicted therefor, may be incarcerated in jail for the violation
18 unless the charge for which the arrest was made would constitute a
19 felony if the child were an adult. Nothing contained in this
20 subsection shall prohibit the detention of a juvenile for traffic-
21 related offenses prior to the filing of a petition in the district
22 court alleging delinquency as a result of the acts and nothing
23 contained in this section shall prohibit detaining a juvenile
24 pursuant to Section 2-2-102 of this title.

1 F. The court may revoke or modify a disposition order and may
2 order redispotion. The child whose disposition is being
3 considered for revocation or modification at said hearing shall ~~have~~
4 ~~the right to be represented by counsel, to present evidence on~~
5 ~~behalf of the child and to be confronted by witnesses against the~~
6 ~~child. Any revocation, modification or redispotion of the court~~
7 ~~in whole or in part shall be subject to review on appeal, as in~~
8 ~~other appeals of criminal cases. Bail may be allowed pending~~
9 ~~appeal.~~

10 G. ~~Any arrest or detention under the Oklahoma Juvenile Code or~~
11 ~~any adjudication in a juvenile proceeding shall not be considered an~~
12 ~~arrest, detention or conviction for purposes of employment, civil~~
13 ~~rights, or any statute, regulation, license, questionnaire,~~
14 ~~application, or any other public or private purposes, unless~~
15 ~~otherwise provided by law. be afforded the following rights:~~

16 1. Notice by the filing of a motion for redispotion by the
17 district attorney. The motion shall be served on the child and the
18 parent or legal guardian of the child at least five (5) business
19 days prior to the hearing;

20 2. The proceedings shall be heard without a jury and shall
21 require establishment of the facts alleged by a preponderance of the
22 evidence;

1 3. During the proceeding, the child shall have the right to be
2 represented by counsel, to present evidence, and to confront any
3 witness testifying against the child;

4 4. Any modification, revocation or redispotion removing the
5 child from the physical custody of a parent or guardian shall be
6 subject to review on appeal, as in other appeals of delinquent
7 cases;

8 5. If the child is placed in secure detention, bail may be
9 allowed pending appeal; and

10 6. The court shall not enter an order removing the child from
11 the custody of a parent or legal guardian pursuant to this section
12 unless the court first finds that:

13 a. such removal is necessary to protect the public,

14 b. the child is likely to sustain harm if not immediately
15 removed from the home,

16 c. allowing the child to remain in the home is contrary
17 to the welfare of the child,

18 d. immediate placement of the child is in the best
19 interests of the child, and

20 e. reasonable efforts have been made to maintain the
21 family unit and prevent the unnecessary removal of the
22 child from the home of the child or that an emergency
23 exists which threatens the safety of the child.

1 The court shall state in the record that such considerations
2 have been made. Nothing in this section shall be interpreted to
3 limit the authority or discretion of the agency providing probation
4 supervision services to modify the terms of probation including, but
5 not limited to, curfews, imposing community service, or any
6 nondetention consequences.

7 SECTION 14. AMENDATORY 10A O.S. 2011, Section 2-2-701,
8 is amended to read as follows:

9 Section 2-2-701. ~~A willful violation of any provision of an~~
10 ~~order of the court issued under the provisions of the Oklahoma~~
11 ~~Juvenile Code shall constitute~~ A. When it is determined to be in
12 the best interests of the child, the court may order a parent, legal
13 guardian or custodian of the child, and any other person living in
14 the home of such child who has been properly served with a summons
15 pursuant to Section 2-2-107 of this title to be present at or bring
16 the child to any proceeding under the provisions of the Oklahoma
17 Juvenile Code. The court may issue a bench warrant for any parent,
18 legal guardian or custodian of the child, or any other person living
19 in the home of such child who has been properly served with a
20 summons pursuant to Section 2-2-107 of this title who, without good
21 cause, fails to appear at any proceeding.

22 B. In any proceeding under the Oklahoma Juvenile Code, the
23 court shall enter an order specifically requiring a parent, legal
24 guardian or custodian of the child, and any other person living in

1 the home of such child who has been properly served with a summons
2 pursuant to Section 2-2-107 of this title to participate in the
3 rehabilitation process of a child including, but not limited to,
4 mandatory attendance at a juvenile proceeding, parenting class,
5 counseling, treatment, or an education program unless the court
6 determines that such an order is not in the best interests of the
7 child.

8 1. Any parent, legal guardian or custodian of the child, and
9 any other person living in the home of such child who has been
10 properly served with a summons pursuant to Section 2-2-107 of this
11 title willfully failing to comply with an order issued under this
12 section without good cause may be found in indirect contempt of
13 court.

14 2. The court may issue a bench warrant for any parent, legal
15 guardian or custodian of the child, and any other person living in
16 the home of such child who has been properly served with a summons
17 pursuant to Section 2-2-107 of this title who, without good cause,
18 fails to appear at any juvenile proceeding or court-ordered program.

19 3. For purposes of this section, "good cause" shall include,
20 but not be limited to, a situation where a parent, legal guardian or
21 custodian of the child, and any other person living in the home of
22 such child who has been properly served with a summons pursuant to
23 Section 2-2-107 of this title:

- 1 a. has employment obligations that would result in the
2 loss of employment,
- 3 b. does not have physical custody of the child and
4 resides outside the county of residence of the child,
5 and
- 6 c. resides in the county of the residence of the child
7 but is outside that county at the time of the juvenile
8 proceeding or court-ordered program for reasons other
9 than avoiding participation or appearance before the
10 court and participating or appearing in the court will
11 result in undue hardship to the parent or guardian.

12 4. Nothing in this section shall be construed to create a right
13 for any child to have his or her parent, legal guardian or custodian
14 of the child, and any other person living in the home of such child
15 who has been properly served with a summons pursuant to Section 2-2-
16 107 of this title present at any juvenile proceeding or court-
17 ordered program at which such child is present.

18 C. A parent, legal guardian or custodian of the child, and any
19 other person living in the home of such child who has been properly
20 served with a summons pursuant to Section 2-2-107 of this title may
21 be ordered by the court to:

22 1. Report any probation, parole or conditional release
23 violations; or

1 2. Aid in enforcing terms and conditions of probation, parole
2 or conditional release or other orders of the court.

3 Any person placed under an order to report any probation, parole
4 or conditional release violations or aid in enforcing terms and
5 conditions of probation, parole or conditional release or other
6 orders of the court and who fails to do as ordered may be found in
7 indirect contempt of court and shall be punishable as such.

8 Punishment for any such act of contempt shall not exceed a fine of
9 Three Hundred Dollars (\$300.00), or imprisonment for not more than
10 thirty (30) days in the county jail if the violator is an adult, ~~or~~
11 ~~placement in a juvenile detention center for not more than ten (10)~~
12 ~~days if the violator is a juvenile,~~ or both such fine and
13 imprisonment ~~or detention.~~ The pursuit and prosecution of an
14 indirect contempt of court judgment shall be initiated by the
15 district attorney.

16 D. As used in this section, "guardian" or "custodian" shall not
17 include any private or public agency having temporary or permanent
18 custody of the child. Provided, nothing in this subsection shall
19 allow the agency to fail to comply with a writ of habeas corpus
20 issued by the court.

21 SECTION 15. AMENDATORY 10A O.S. 2011, Section 2-3-101,
22 is amended to read as follows:

23 Section 2-3-101. A. When a child is taken into custody
24 pursuant to the provisions of the Oklahoma Juvenile Code, the child

1 shall be detained only if it is necessary to assure the appearance
2 of the child in court or for the protection of the child or the
3 public.

4 1. a. No preadjudicatory or predisposition detention or
5 custody order shall remain in force and effect for
6 more than thirty (30) days. The court, for good and
7 sufficient cause shown, may extend the effective
8 period of such an order for an additional period not
9 to exceed sixty (60) days. If the child is being
10 detained for the commission of a murder, the court
11 may, if it is in the best interests of justice, extend
12 the effective period of such an order an additional
13 sixty (60) days.

14 b. Whenever the court orders a child to be held in a
15 juvenile detention facility, an order for secure
16 detention shall remain in force and effect for not
17 more than fifteen (15) days after such order. Upon an
18 application of the district attorney and after a
19 hearing on such application, the court, for good and
20 sufficient cause shown, may extend the effective
21 period of such an order for an additional period not
22 to exceed fifteen (15) days after such hearing. The
23 total period of preadjudicatory or predisposition
24 shall not exceed the ninety-day limitation as

1 specified in subparagraph a of this paragraph. The
2 child shall be present at the hearing on the
3 application for extension unless, as authorized and
4 approved by the court, the attorney for the child is
5 present at the hearing and the child is available to
6 participate in the hearing via telephone conference
7 communication. For the purpose of this paragraph,
8 "telephone conference communication" means use of a
9 telephone device that allows all parties, including
10 the child, to hear and be heard by the other parties
11 at the hearing. After the hearing, the court may
12 order continued detention in a juvenile detention
13 center, may order the child detained in an alternative
14 to secure detention or may order the release of the
15 child from detention.

16 2. No child alleged or adjudicated to be deprived or in need of
17 supervision or who is or appears to be a minor in need of treatment
18 as defined by the Inpatient Mental Health and Substance Abuse
19 Treatment of Minors Act, shall be confined in any jail, adult
20 lockup, or adult detention facility. No child shall be transported
21 or detained in association with criminal, vicious, or dissolute
22 persons.

23 3. Except as otherwise authorized by this section a child who
24 has been taken into custody as a deprived child, a child in need of

1 supervision, or who appears to be a minor in need of treatment, may
2 not be placed in any detention facility pending court proceedings,
3 but must be placed in shelter care or foster care or, with regard to
4 a child who appears to be a minor in need of treatment, a behavioral
5 health treatment facility in accordance with the provisions of the
6 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,
7 or released to the custody of the parents of the child or some other
8 responsible party. When a child is taken into custody as a child in
9 need of supervision as a result of being a runaway, the court may
10 order the child placed in a juvenile detention facility pending
11 court proceedings if it finds the detention to be essential for the
12 safety of the child.

13 B. No child shall be placed in secure detention unless:

14 1. The child is an escapee from any delinquent placement;

15 2. The child is a fugitive from another jurisdiction with a
16 warrant on a delinquency charge or confirmation of delinquency
17 charges by the home jurisdiction;

18 3. The child is seriously assaultive or destructive towards
19 others or self;

20 4. The child is currently charged with any criminal offense
21 that would constitute a felony if committed by an adult or a
22 misdemeanor and:

23 a. is on probation or parole on a prior delinquent
24 offense,

- b. is on preadjudicatory community supervision, or
- c. is currently on release status on a prior delinquent offense, ~~or~~
- ~~d.~~

5. The child has willfully failed or there is reason to believe that the child will willfully fail to appear for juvenile court proceedings;

6. A warrant for the child has been issued on the basis that:

- a. the child is absent from court-ordered placement without approval by the court,
- b. the child is absent from designated placement by the Office of Juvenile Affairs without approval by the Office of Juvenile Affairs, or
- c. there is reason to believe the child will not remain at said placement, or
- d. if the child is subject to an administrative transfer or parole revocations proceedings.

C. A child who has violated a court order and has had the order revoked or modified pursuant to Section 2-2-503 of this title may be placed into an Office-of-Juvenile-Affairs-designated sanction detention bed or an Office-of-Juvenile-Affairs-approved sanction program.

D. Priority shall be given to the use of juvenile detention facilities for the detention of juvenile offenders through

1 provisions requiring the removal from detention of a juvenile with a
2 lower priority status if an empty detention bed is not available at
3 the time of referral of a juvenile with a higher priority status and
4 if the juvenile with a higher priority status would be more of a
5 danger to the public than the juvenile with the lower priority
6 status.

7 E. 1. Except as otherwise provided in this section, no child
8 shall be placed in secure detention in a jail, adult lockup, or
9 other adult detention facility unless:

- 10 a. the child is detained for the commission of a crime
11 that would constitute a felony if committed by an
12 adult, and
- 13 b. the child is awaiting an initial court appearance, and
- 14 c. the initial court appearance of the child is scheduled
15 within twenty-four (24) hours after being taken into
16 custody, excluding weekends and holidays, and
- 17 d. the court of jurisdiction is outside of the Standard
18 Metropolitan Statistical Area as defined by the Bureau
19 of Census, and
- 20 e. there is no existing acceptable alternative placement
21 for the child, and
- 22 f. the jail, adult lockup or adult detention facility
23 provides sight and sound separation for juveniles,
24

1 pursuant to standards required by subsection E of
2 Section 2-3-103 of this title, or

3 g. the jail, adult lockup or adult detention facility
4 meets the requirements for licensure of juvenile
5 detention facilities, as adopted by the Office of
6 Juvenile Affairs, is appropriately licensed, and
7 provides sight and sound separation for juveniles,
8 which includes:

9 (1) total separation between juveniles and adult
10 facility spatial areas such that there could be
11 no haphazard or accidental contact between
12 juvenile and adult residents in the respective
13 facilities,

14 (2) total separation in all juvenile and adult
15 program activities within the facilities,
16 including recreation, education, counseling,
17 health care, dining, sleeping and general living
18 activities, and

19 (3) separate juvenile and adult staff, specifically
20 direct care staff such as recreation, education
21 and counseling.

22 Specialized services staff, such as cooks,
23 bookkeepers, and medical professionals who are not
24 normally in contact with detainees or whose infrequent

1 contacts occur under conditions of separation of
2 juvenile and adults can serve both.

3 2. Nothing in this section shall preclude a child who is
4 detained for the commission of a crime that would constitute a
5 felony if committed by an adult, or a child who is an escapee from a
6 juvenile training school or from an Office of Juvenile Affairs group
7 home from being held in any jail certified by the State Department
8 of Health, police station or similar law enforcement offices for up
9 to six (6) hours for purposes of identification, processing or
10 arranging for transfer to a secure detention or alternative to
11 secure detention. Such holding shall be limited to the absolute
12 minimum time necessary to complete these actions.

13 a. The time limitations for holding a child in a jail for
14 the purposes of identification, processing or
15 arranging transfer established by this section shall
16 not include the actual travel time required for
17 transporting a child from a jail to a juvenile
18 detention facility or alternative to secure detention.

19 b. Whenever the time limitations established by this
20 subsection are exceeded, this circumstance shall not
21 constitute a defense in a subsequent delinquency or
22 criminal proceeding.

23 3. Nothing in this section shall preclude detaining in a county
24 jail or other adult detention facility an eighteen-year old charged

1 in a juvenile petition for whom certification to stand trial as an
2 adult is prayed.

3 4. Nothing in this section shall preclude detaining in a county
4 jail or other adult detention facility a person provided for in
5 Section 2-3-102 of this title if written or electronically
6 transmitted confirmation is received from the state seeking return
7 of the individual that the person is a person provided for in
8 Section 2-3-102 of this title and if, during the time of detention,
9 the person is detained in a facility meeting the requirements of
10 Section 2-3-103 of this title.

11 5. Nothing in this section shall preclude detaining a person,
12 whose age is not immediately ascertainable and who is being detained
13 for the commission of a felony, in a jail certified by the State
14 Department of Health, a police station or similar law enforcement
15 office for up to twenty-four (24) hours for the purpose of
16 determining whether or not the person is a child, if:

- 17 a. there is a reasonable belief that the person is
18 eighteen (18) years of age or older,
- 19 b. there is a reasonable belief that a felony has been
20 committed by the person,
- 21 c. a court order for such detention is obtained from a
22 judge of the district court within six (6) hours of
23 initially detaining the person,

24

1 d. there is no juvenile detention facility that has space
2 available for the person and that is within thirty
3 (30) miles of the jail, police station, or law
4 enforcement office in which the person is to be
5 detained, and

6 e. during the time of detention the person is detained in
7 a facility meeting the requirements of subparagraph g
8 of paragraph 1 of this subsection.

9 The time limitation provided for in this paragraph shall include
10 the time the person is detained prior to the issuance of the court
11 order.

12 The time limitation provided for in this paragraph shall not
13 include the actual travel time required for transporting the person
14 to the jail, police station, or similar law enforcement office. If
15 the time limitation established by this paragraph is exceeded, this
16 circumstance shall not constitute a defense in any subsequent
17 delinquency or criminal proceeding.

18 F. Nothing contained in this section shall in any way reduce or
19 eliminate the liability of a county as otherwise provided by law for
20 injury or damages resulting from the placement of a child in a jail,
21 adult lockup, or other adult detention facility.

22 G. Any juvenile detention facility shall be available for use
23 by any eligible Indian child as that term is defined by the Oklahoma
24 Indian Child Welfare Act, providing that the use of the juvenile

1 detention facility meets the requirements of the Oklahoma Juvenile
2 Code. The Indian tribe may contract with any juvenile detention
3 facility for the providing of detention services.

4 H. Each member of the staff of a juvenile detention facility
5 shall satisfactorily complete a training program provided or
6 approved by the Office of Juvenile Affairs.

7 SECTION 16. AMENDATORY 10A O.S. 2011, Section 2-6-101,
8 is amended to read as follows:

9 Section 2-6-101. A. The court shall make and keep records of
10 all cases brought before the court pursuant to the Oklahoma Juvenile
11 Code. The court shall devise and cause to be printed such forms for
12 social and legal records and such other papers as may be required.

13 B. As used in the Oklahoma Juvenile Code:

14 1. "Records" or "record" shall include but not be limited to
15 written or printed documents, papers, logs, reports, files, case
16 notes, films, photographs, psychological evaluations, certification
17 studies, presentence investigations, audio or visual tape recordings
18 pertaining to a juvenile proceeding or a child, and shall include
19 information entered into and maintained in an automated or
20 computerized information system;

21 2. "Juvenile court record" means legal and social records other
22 than adoption records, including but not limited to agency, law
23 enforcement and district attorney's records, filed with the court
24

1 that are related to a child who is the subject of a court proceeding
2 pursuant to the Oklahoma Juvenile Code;

3 3. "Agency record" means records prepared, obtained or
4 maintained by a public or private agency with regard to a child who
5 is or has been under its care, custody or supervision or with regard
6 to a family member or other person living in the home of such child
7 and shall include but not be limited to:

8 a. any study, plan, recommendation, assessment or report
9 made or authorized to be made by such agency for the
10 purpose of determining or describing the history,
11 diagnosis, custody, condition, care or treatment of
12 such child, or

13 b. any records made in the course of any investigation or
14 inquiry conducted by an agency to determine whether a
15 child is a delinquent child or a child in need of
16 supervision;

17 4. "District attorney's records" means any records prepared or
18 obtained by an office of a district attorney relating to a juvenile
19 case and any records prepared or obtained for the prosecution of
20 crimes against children that constitute a legal or social record of
21 a child;

22 5. "Law enforcement records" means any contact, incident or
23 similar reports, arrest records, disposition records, detention
24 records, fingerprints, or photographs related to a child and shall

1 include but not be limited to reports of investigations or inquiries
2 conducted by a law enforcement agency to determine whether a child
3 is or may be subject to the provisions of this chapter as a
4 delinquent child or a child in need of supervision. Law enforcement
5 records pertaining to juveniles shall be maintained separately from
6 records pertaining to adults;

7 6. "Nondirectory education records" means any records
8 maintained by a public or private school, including a technology
9 center school, regarding a child who is or has been a student at the
10 school which are categorized as private or confidential records
11 pursuant to the federal Family Educational Rights and Privacy Act of
12 1974 and any rules promulgated pursuant to the act;

13 7. "Legal record" means any petition, docket, motion, finding,
14 order, judgment, pleading, certification study, paper or other
15 document, other than social records, filed with the court;

16 8. "Social record" means family social histories, medical
17 reports, psychological and psychiatric evaluations or assessments,
18 clinical or other treatment reports, educational records, or home
19 studies, even if attached to court reports prepared by the agency;
20 and

21 9. "Participating agency" means any public or private agency
22 that has entered into a contract or an interagency agreement under
23 the Interlocal Cooperation Act in accordance with the rules and
24 guidelines adopted pursuant to Section 620.6 of Title 10 of the

Oklahoma Statutes or the Juvenile Offender Tracking Program for the purpose of accessing and sharing information necessary for the care, treatment, and supervision of children and youth.

SECTION 17. AMENDATORY 10A O.S. 2011, Section 2-6-102, is amended to read as follows:

Section 2-6-102. A. Except as provided by this section or as otherwise specifically provided by state or federal laws, the following juvenile records are confidential and shall not be open to the general public, inspected, or their contents disclosed:

1. Juvenile court records;
2. Agency records;
3. District attorney's records;
4. Law enforcement records;
5. Nondirectory education records; and
6. Social records.

B. The confidentiality limitation of subsection A of this section shall not apply to statistical information or information of a general nature obtained pursuant to the provisions of the Oklahoma Juvenile Code.

C. The confidentiality requirements of subsection A of this section for juvenile court records and law enforcement records shall not apply:

1. Upon the ~~charging or~~ certification or sentencing of a juvenile as an adult or youthful offender;

1 2. ~~Upon the charging of an individual pursuant to Section 2-5-~~
2 ~~101 of this title;~~

3 ~~3.~~ To a violation of any traffic regulation or motor vehicle
4 regulation of Title 47 of the Oklahoma Statutes, or to a violation
5 of any city ordinance or county resolution which relates to the
6 regulation of traffic on the roads, highways or streets, or to the
7 operation of self-propelled or nonself-propelled vehicles of any
8 kind in this state;

9 ~~4. To a juvenile who is fourteen (14) years of age or older and~~
10 ~~who has been adjudicated delinquent and who subsequently comes~~
11 ~~before the juvenile court on a new delinquency matter after July 1,~~
12 ~~1995;~~

13 ~~5. To a juvenile adjudicated a delinquent for committing a~~
14 ~~delinquent act which, if committed by an adult, would be a felony~~
15 ~~offense that is a crime against the person or a felony offense~~
16 ~~involving a dangerous weapon;~~

17 ~~6. To arrest records of a juvenile arrested for committing an~~
18 ~~act, which if committed by an adult, would be a felony offense;~~

19 ~~7.~~ 3. To a violation of the Prevention of Youth Access to
20 Tobacco Act; or

21 ~~8.~~ 4. Whenever a juvenile is accepted for placement or
22 treatment in a facility or private treatment facility within this
23 state as a result of or following a conviction or adjudication for
24 an out-of-state offense that would qualify the juvenile as a

1 youthful offender, as defined in Section 2-5-202 of this title, had
2 the crime occurred within this state. The facility shall provide
3 any law enforcement agency or peace officer all prior criminal
4 offense, conviction, and adjudication information. If ~~a~~ the
5 juvenile flees or is otherwise absent from the facility without
6 permission, the facility shall provide any law enforcement agency or
7 peace officer all prior criminal offense, conviction, and
8 adjudication information. Any law enforcement agency or peace
9 officer shall have the authority to review or copy any records
10 concerning the juvenile, including prior criminal offense,
11 conviction, or adjudication information.

12 D. Following the first adjudication as a delinquent, the court
13 having jurisdiction shall note on the juvenile court record of the
14 person that any subsequent juvenile court records shall not be
15 confidential; provided, the child is at least fourteen (14) years of
16 age or older. Any juvenile court record which becomes an open
17 juvenile record as provided in this subsection may be expunged as
18 provided in Section ~~7307-1.8~~ 2-6-109 of this title.

19 ~~The provisions of this subsection shall only apply to the~~
20 ~~juvenile court records and law enforcement records of juvenile~~
21 ~~offenders certified, charged or adjudicated on and after July 1,~~
22 ~~1995.~~

23 E. When a delinquent child has escaped or run away from a
24 training school or other institutional placement for delinquents,

1 the name and description of the child may be released to the public
2 by the agency having custody of the child as necessary and
3 appropriate for the protection of the public and the apprehension of
4 the delinquent child ~~whether or not the juvenile record is~~
5 ~~confidential or open.~~

6 F. Except as otherwise required by state or federal law, the
7 confidential records listed in subsection A of this section may only
8 be inspected, released, disclosed, corrected or expunged pursuant to
9 an order of the court. Except as otherwise provided in Section
10 601.6 of Title 10 of the Oklahoma Statutes or any provision of this
11 chapter, no subpoena or subpoena duces tecum purporting to compel
12 disclosure of confidential information or any confidential juvenile
13 record shall be valid.

14 G. An order of the court authorizing the inspection, release,
15 disclosure, correction or expungement of confidential records shall
16 be entered by the court only after a review of the records by the
17 court and a determination by the court, with due regard for the
18 confidentiality of the records and the privacy of persons identified
19 in the records, that a compelling reason exists and such inspection,
20 release or disclosure is necessary for the protection of a
21 legitimate public or private interest.

22 Except for district attorney records, any court order
23 authorizing the disclosure, release or inspection of a confidential
24

1 juvenile record may be conditioned on such terms and restrictions as
2 the court deems necessary and appropriate.

3 H. Upon receiving a written request for inspection, release,
4 disclosure, or correction of a juvenile record, the court shall
5 determine whether the record of a juvenile falls under one of the
6 exceptions listed in subsection C of this section. If the record
7 falls under one of the exceptions in subsection C of this section,
8 the court shall issue an order authorizing inspection, release,
9 disclosure or correction of the juvenile record. If the release of
10 a juvenile record is authorized by the court, the Office of Juvenile
11 Affairs shall provide information to the requestor regarding the
12 location of the juvenile record to be released.

13 I. Any agency or person may seek an order from the juvenile
14 court prohibiting the release of confidential information subject to
15 disclosure without an order of the court pursuant to Section 620.6
16 of Title 10 of the Oklahoma Statutes or any provision of this
17 chapter. The court may, for good cause shown, prohibit the release
18 of such information or authorize release of the information upon
19 such conditions as the court deems necessary and appropriate.

20 J. In accordance with the provisions of the Juvenile Offender
21 Tracking Program and Section 620.6 of Title 10 of the Oklahoma
22 Statutes:

23 1. Information included in the records listed in subsection A
24 of this section may be entered in and maintained in the Juvenile

1 Justice Information System and other automated information systems
2 related to services to children and youth whether or not the record
3 is confidential or open; and

4 2. The information systems may be accessed by participating
5 agencies as defined by this chapter or as otherwise provided by law.

6 K. The court may authorize a designated person to review
7 juvenile court confidential reports and records and collect
8 statistical information and other abstract information for research
9 purposes. Such authorization shall be in writing and shall state
10 specifically the type of information which may be reviewed and
11 reported.

12 Each person granted permission to inspect confidential reports
13 and records for research purposes shall present a notarized
14 statement to the court stating that the names of juveniles, parents
15 and other persons as may be required by the court to be confidential
16 will remain confidential.

17 L. Nothing contained in the provisions of Section 620.6 of Title
18 10 of the Oklahoma Statutes or any provision of this chapter shall
19 be construed as:

20 1. Authorizing the inspection of records or the disclosure of
21 information contained in records relating to the provision of
22 benefits or services funded, in whole or in part, with federal
23 funds, except in accord with federal statutes and regulations
24 governing the receipt or use of such funds;

1 2. Authorizing the disclosure of information required to be
2 kept confidential by Section 7505-1.1, 7506-1.1 or 7510-1.5 of ~~this~~
3 ~~title~~ Title 10 of the Oklahoma Statutes, the Oklahoma Adoption Code
4 or disclosure of any other confidential record pursuant to the
5 provisions of this chapter;

6 3. Abrogating any privilege, including the attorney-client
7 privilege, or affecting any limitation on such privilege found in
8 any other statutes;

9 4. Limiting or otherwise affecting access of parties to a
10 juvenile proceeding to any records filed with or submitted to the
11 court;

12 5. Limiting or otherwise affecting access of agencies to
13 information subject to disclosure, review or inspection by contract
14 or as a condition for the receipt of public funds or participation
15 in any program administered by the agency;

16 6. Prohibiting the Office of Juvenile Affairs from summarizing
17 the outcome of an investigation to the person who reported a known
18 or suspected instance of child abuse or neglect; or

19 7. Prohibiting the person or agency conducting a preliminary
20 inquiry relating to an alleged delinquent act from providing
21 information, as to the disposition of the matter by the district
22 attorney, to the person or agency which referred the matter,
23 including but not limited to whether a petition was filed or an
24 alternative action taken, and the basis for such action and the

1 terms of any agreement entered into by the child for payment of
2 restitution, and including but not limited to provisions for
3 community services.

4 M. The confidential records listed in subsection A of this
5 section may be inspected and their contents disclosed without a
6 court order to a school district in which the child who is the
7 subject of the record is currently enrolled or has been presented
8 for enrollment. The inspection of records and disclosure authorized
9 by this subsection may be limited to summaries or to information
10 directly necessary for the purpose of such inspection or disclosure.
11 Upon request by the school district, the agency in possession of the
12 records shall provide in writing, digitally, or by delivery to a
13 secure facsimile line, the requested information to the school
14 district within five (5) business days upon receipt of the request.
15 Any records disclosed as provided by this subsection shall remain
16 confidential. The use of any information shall be limited to the
17 purposes for which disclosure is authorized.

18 N. The records of a case for which a petition is not filed shall
19 be subject to the provisions of Chapter 6 of the Oklahoma Juvenile
20 Code.

21 SECTION 18. AMENDATORY 10A O.S. 2011, Section 2-6-108,
22 is amended to read as follows:

23 Section 2-6-108. A. No adjudication by the court upon the
24 status of a child in a juvenile proceeding shall operate to impose

1 any of the civil disabilities ordinarily resulting from conviction
2 of a crime, nor shall a child be deemed a criminal by reason of a
3 juvenile adjudication.

4 B. The court may sua sponte, upon motion by the state or upon
5 motion by the alleged delinquent, order the records of a person
6 alleged to be delinquent to be sealed as follows:

7 1. When the person has been alleged to be delinquent and:

8 a. one (1) year has elapsed from the later of:

9 (1) dismissal or closure of the case by the court, or

10 (2) notice to the court by the Office of Juvenile
11 Affairs or a juvenile bureau of final discharge
12 of such person from the supervision of the Office
13 of Juvenile Affairs or juvenile bureau, and

14 b. the person has not been found guilty of or admitted to
15 the commission of a subsequent criminal offense in
16 either a juvenile or adult proceeding, and

17 c. no juvenile or adult proceeding for a criminal offense
18 is pending;

19 2. When a juvenile court intake has been completed and:

20 a. the case has been dismissed, or

21 b. no petition has been filed pending fulfillment of
22 conditions of a voluntary probation, or
23
24

1 c. a petition has been filed but no adjudication has
2 occurred pending the fulfillment of conditions of a
3 preadjudicatory probation;

4 3. When a juvenile participates in a court-approved alternative
5 diversion program for first-time offenders and:

6 a. the juvenile presents satisfactory evidence to the
7 court that the juvenile has successfully completed the
8 program, and

9 b. the court dismisses the case at the conclusion of the
10 deferral period; or

11 4. When a juvenile participates in a court-approved military
12 mentor program and:

13 a. the juvenile presents satisfactory evidence to the
14 court that the juvenile has successfully completed the
15 program, and

16 b. the court dismisses the case at the conclusion of the
17 deferral period.

18 The records may be sealed one (1) year after such dismissal or
19 completion of the conditions of a voluntary or preadjudicatory
20 probation, alternative diversion program for first-time offenders,
21 or military mentor program or upon the person attaining the age of
22 eighteen (18) years in the discretion of the court. Upon the
23 sealing of any record of a person alleged to be delinquent pursuant
24 to this title, the record and official actions subject to the order

1 shall be deemed never to have occurred, and the person who is the
2 subject of the record and all juvenile justice agencies may properly
3 reply upon any inquiry in the matter that no such action ever
4 occurred and no such record exists with respect to such person.

5 C. The Administrative Office of the Courts shall establish on
6 or before January 1, 1994, a system for sealing records as required
7 by subsection B of this section and records shall be sealed in
8 accordance with the procedures established pursuant to said system.

9 ~~D. Upon the sealing of any record of a person alleged to be~~
10 ~~delinquent pursuant to this title, the record and official actions~~
11 ~~subject to the order shall be deemed never to have occurred, and the~~
12 ~~person who is the subject of the record and all juvenile justice~~
13 ~~agencies may properly reply upon any inquiry in the matter that no~~
14 ~~such action ever occurred and no such record exists with respect to~~
15 ~~such person.~~

16 ~~E. D.~~ 1. ~~Upon the entry of an order to seal a juvenile court~~
17 ~~record, the~~ The court clerk shall seal the juvenile court record
18 indicated in the court's order, except that a confidential index
19 shall be maintained for the purpose of locating records subject to
20 inspection or release pursuant to subsection ~~G~~ F of this section.

21 2. When notified by the court clerk of a court order sealing a
22 juvenile court record, the law enforcement agency having records
23 pertaining to the person shall seal the records as ordered, except
24 basic identification information shall be maintained.

1 3. Except where such documents are necessary to maintain state
2 or federal funding, the juvenile court personnel records pertaining
3 to the person shall be sealed.

4 ~~F.~~ E. Members of the judiciary, district attorneys, the
5 defendant, the defendant's counsel and employees of juvenile
6 bureaus, the Office of Juvenile Affairs assigned juvenile court
7 intake responsibilities, and the Department of Corrections may
8 access records that have been sealed pursuant to this section
9 without a court order for the purpose of determining whether to
10 dismiss an action, seek a voluntary probation, file a petition, or
11 for purposes of sentencing or placement in a case where the person
12 who is the subject of the sealed record is alleged to have committed
13 a subsequent juvenile delinquent act or any adult criminal offense.
14 Provided, any record sealed pursuant to this section may be used in
15 a subsequent juvenile delinquent or adult prosecution only after the
16 issuance of a court order unsealing the record.

17 ~~G.~~ F. The court may issue an order unsealing sealed juvenile
18 court records, for use for the following purposes:

19 1. In subsequent cases against the same child pursuant to this
20 title;

21 2. In an adult criminal proceeding pursuant to Section 2-2-403
22 or 2-5-101 of this title;

23 3. Upon conviction of a criminal offense in an adult
24 proceeding, in connection with the sentencing of such person;

1 4. If the person is placed in the custody or under the
2 supervision of the Department of Corrections;

3 5. In accordance with the guidelines adopted pursuant to the
4 Juvenile Offender Tracking Program and Section 620.6 of Title 10 of
5 the Oklahoma Statutes, for maintaining juvenile justice and criminal
6 justice statistical information;

7 6. For the purpose of a criminal investigation; or

8 7. When the court finds that there is a compelling reason and
9 it is in the interest of justice to order the record unsealed.

10 ~~H.~~ G. Any person or agency having a legitimate interest in a
11 delinquency case or proceeding may petition the court for an order
12 unsealing a juvenile court record. Upon the filing of a petition to
13 unseal any juvenile court record, the court shall set a date for a
14 hearing and shall provide thirty (30) ~~days~~ days of notice to all
15 interested parties. The hearing may be closed at the ~~court's~~
16 discretion of the court. If, after a hearing, the court determines
17 that there is any reason enumerated in subsection ~~G~~ F of this
18 section and it is necessary for the protection of a legitimate
19 public or private interest to unseal the records, the court shall
20 order the record unsealed.

21 ~~F.~~ H. Any record ordered to be sealed pursuant to this section,
22 if not unsealed within ten (10) years of the order, shall be
23 obliterated or destroyed at the end of the ten-year period.

1 SECTION 19. AMENDATORY 10A O.S. 2011, Section 2-7-303,
2 is amended to read as follows:

3 Section 2-7-303. The Office of Juvenile Affairs, in its role as
4 planner and coordinator for juvenile justice and delinquency
5 prevention services, is hereby authorized to and shall enter into
6 contracts for the establishment and maintenance of community-based
7 facilities, services and programs which may include, but are not
8 limited to: Emergency shelter, diagnosis, crisis intervention,
9 counseling, group work, case supervision, job placement, school-
10 based prevention programs, alternative diversion programs for first-
11 time offenders and for youth alleged or adjudicated to be in need of
12 supervision, recruitment and training of volunteers, consultation,
13 case management services, and agency coordination with emphasis on
14 keeping youth with a high potential for delinquency out of the
15 traditional juvenile justice process and community intervention
16 centers. The Office of Juvenile Affairs shall enter into contracts
17 with Youth Services Agencies for core community-based facilities,
18 programs and services based on need as indicated in its State Plan
19 for Youth Services Agencies.

20 SECTION 20. AMENDATORY 10A O.S. 2011, Section 2-7-305,
21 is amended to read as follows:

22 Section 2-7-305. A. The Office of Juvenile Affairs is
23 authorized to enter into contracts to establish or maintain
24

1 community-based youth service programs, shelters and community
2 intervention centers out of local, state and federal monies.

3 B. The Office of Juvenile Affairs shall take all necessary
4 steps to develop and implement a diversity of community services and
5 community-based residential care as needed to provide for adequate
6 and appropriate community-based care, treatment and rehabilitation
7 of children in the care, custody, and supervision of the Office of
8 Juvenile Affairs. Such community services and residential care
9 shall be consistent with the treatment needs of the child and the
10 protection of the public.

11 1. The Office of Juvenile Affairs shall, to the extent
12 reasonable and practicable, provide community-based services,
13 community residential care and community intervention centers to
14 children in the custody of the Office of Juvenile Affairs through
15 financial agreements, as authorized in Sections 2-7-303 and 2-7-304
16 of this title.

17 2. The Office of Juvenile Affairs shall establish procedures
18 for the letting of grants or contracts, and the conditions and
19 requirements for the receipt of such grants or contracts, for
20 community-based services, community residential care and community
21 intervention centers. A copy of such procedures shall be made
22 available to any member of the general public upon request.

23 C. Any state agency letting grants or contracts for the
24 establishment of community residential care or treatment facilities

1 for children shall require, as a condition for receipt of such
2 grants or contracts, documented assurance from the agency or
3 organization establishing such facility that appropriate
4 arrangements have been made for providing the educational services
5 to which residents of the facility are entitled pursuant to state
6 and federal law.

7 D. 1. The Office of Juvenile Affairs shall implement programs
8 for establishment and continued operation of community intervention
9 centers. The centers shall be established pursuant to interlocal
10 agreements between one or more municipalities or one or more
11 counties and the Office of Juvenile Affairs pursuant to rules
12 promulgated by the Office. The municipality or county may enter
13 into subcontracts with one or more service providers, subject to the
14 approval by the Office of Juvenile Affairs. The service provider,
15 whether a municipality, county or other entity, must have access to
16 the management information system provided for in Section 2-7-308 of
17 this title and must employ qualified staff, as determined by the
18 Office of Juvenile Affairs.

19 2. The community intervention center shall serve as a short-
20 term reception facility to receive and hold juveniles who have been
21 taken into custody by law enforcement agencies for the alleged
22 violation of a municipal ordinance or state law or who are alleged
23 to be in need of supervision and for whom detention is inappropriate
24 or unavailable. The community intervention center may be a secure

1 facility. Juveniles held in the community intervention facility
2 shall not be isolated from common areas other than for short-term
3 protective holding for combative or self-destructive behavior, as
4 defined by the Office of Juvenile Affairs.

5 3. Juveniles shall not be held in a community intervention
6 center for more than twenty-four (24) hours.

7 4. The community intervention center shall perform the
8 following functions:

- 9 a. enter demographic information into the management
10 information system provided for in Section 2-7-308 of
11 this title,
- 12 b. immediately notify the parents or parent, guardian, or
13 other person legally responsible for the juvenile's
14 care, or if such legally responsible person is
15 unavailable the adult with whom the juvenile resides,
16 that the juvenile has been taken into custody and to
17 pick up the juvenile, ~~and~~
- 18 c. hold juveniles until they can be released to a parent,
19 guardian, or other responsible adult or until a
20 temporary placement can be secured, but in no event
21 for longer than twenty-four (24) hours, and
- 22 d. ensure that a written promise is executed by the
23 parent, guardian or other responsible adult to bring
24

1 the child to court at any time if a petition is to be
2 modified.

3 5. The community intervention center may perform the following
4 functions:

- 5 a. gather information to determine if the juvenile is in
6 need of immediate medical attention,
- 7 b. conduct an initial assessment pursuant to rules
8 promulgated by the Office of Juvenile Affairs. Such
9 initial assessment may be given without parental
10 consent if the juvenile agrees to participate in the
11 assessment, and
- 12 c. conduct an assessment pursuant to a Problem Behavior
13 Inventory or a Mental Status Checklist or an
14 equivalent assessment instrument authorized by rules
15 promulgated by the Office of Juvenile Affairs, if
16 written permission to do so is obtained from the
17 parent, guardian or other person legally responsible
18 for the care of the juvenile. Such person and the
19 juvenile may review the assessment instrument prior to
20 the assessment process, must be informed that
21 participation in the assessment is voluntary and that
22 refusal to participate shall not result in any
23 penalty, and must sign a written acknowledgment that
24 they were given an opportunity to review the

1 assessment instrument. The assessment shall be used
2 to develop recommendations to correct the behavior of
3 the juvenile, to divert the progression of the
4 juvenile into the juvenile justice system, to
5 determine if the juvenile is in need of nonemergency
6 medical treatment, and to determine if the juvenile is
7 the victim of violence. Information derived from the
8 assessment shall not be made available to the
9 prosecutors or the court prior to adjudication of the
10 alleged offense, and shall not be used in any phase of
11 prosecution but may be used by the court following
12 adjudication for the dispositional order and may be
13 used for referrals to social services.

14 6. A juvenile alleged to have committed an offense which would
15 be a felony if committed by an adult may be fingerprinted at a
16 community intervention center. No other juveniles shall be
17 fingerprinted at community intervention centers.

18 7. Community intervention centers shall be certified pursuant
19 to standards established and rules promulgated by the Office of
20 Juvenile Affairs.

21 SECTION 21. AMENDATORY 10A O.S. 2011, Section 2-7-501,
22 is amended to read as follows:

23 Section 2-7-501. A. The Office of Juvenile Affairs shall
24 provide intake and probation services for juveniles in all counties

1 not having a juvenile bureau and parole services in all counties of
2 the state and may enter into agreements to supplement probationary
3 services to juveniles in any county. The Office of Juvenile Affairs
4 may participate in federal programs for juvenile probation officers,
5 and may apply for, receive, use and administer federal funds for
6 such purpose.

7 B. A pre-adjudicatory substance abuse assessment of a child may
8 be conducted in conjunction with a court intake or preliminary
9 inquiry pursuant to an alleged delinquent act or upon admission to a
10 juvenile detention facility through the use of diagnostic tools
11 including, but not limited to, urinalysis, structured interviews or
12 substance abuse projective testing instruments.

13 1. Information gained from the substance abuse assessment
14 pursuant to this subsection shall be used only for substance abuse
15 treatment and for no other purpose. The results shall not be used
16 in any evidentiary or fact-finding hearing in a juvenile proceeding
17 or as the sole basis for the revocation of a community-based
18 placement or participation in a community-based program.

19 2. The results of the substance abuse assessment may be given
20 to the intake, probation or parole counselor of the child, the
21 parent or guardian of the child or to the attorney of the child. In
22 accordance with the Juvenile Offender Tracking Program and Section
23 620.6 of Title 10 of the Oklahoma Statutes, the counselor may also
24 provide the results of the substance abuse assessment to medical

1 personnel, therapists, school personnel or others for use in the
2 treatment and rehabilitation of the child.

3 C. The Office of Juvenile Affairs and the juvenile bureaus
4 shall implement:

5 1. ~~Court~~ Use of an intake risk-assessment risk and needs
6 assessment familiar to the court for children alleged or adjudicated
7 to be delinquent;

8 2. The imposition of administrative sanctions for the violation
9 of a condition of probation or parole;

10 3. A case management system for ensuring appropriate:

- 11 a. diversion of youth from the juvenile justice system,
- 12 b. services for and supervision of all youth on pre-
13 adjudicatory or postadjudicatory probation or on
14 parole, and for juvenile offenders in the custody of
15 the Office of Juvenile Affairs, and
- 16 c. intensive supervision of juvenile offenders and
17 communication between law enforcement and juvenile
18 court personnel and others regarding such offenders;
19 and

20 4. Guidelines for juvenile court personnel recommendations to
21 district attorneys regarding the disposition of individual cases by
22 district attorneys.

23 D. 1. The Office of Juvenile Affairs shall establish directly
24 and by contract, services including, but not limited to:

- a. misdemeanor and nonserious first-time offender programs,
- b. tracking and mentor services,
- c. weekend detention,
- d. five-day out-of-home sanction placements,
- e. short-term thirty-day intensive, highly structured placements,
- f. transitional programs,
- g. substance abuse treatment and diagnostic and evaluation programs, and
- h. day treatment programs.

2. In implementing these services, the Office of Juvenile Affairs shall give priority to those areas of the state having the highest incidences of juvenile crime and delinquency.

E. 1. The following entities shall conduct, upon adjudication of a child as a delinquent or in need of supervision unless such child has been previously assessed within the six (6) months prior to such intake, a literacy skills assessment:

- a. the Office of Juvenile Affairs,
- b. a first-time offender program within a designated youth services agency,
- c. any metropolitan county juvenile bureau, or
- d. any county operating a juvenile bureau.

1 2. Such assessment shall be conducted through the use of
2 diagnostic tools which include, but are not limited to:

- 3 a. structured interviews,
- 4 b. standardized literacy testing instruments which
5 measure the educational proficiency of the child, and
- 6 c. any other measure used to determine:
 - 7 (1) whether a child is reading at an age-appropriate
8 level, and
 - 9 (2) the capacity of the child to read at such level.

10 3. The results of the literacy skills assessment required
11 pursuant to this subsection shall be made available to the court by
12 the district attorney for use in the disposition phase; provided,
13 however, the results shall not be used in any evidentiary or fact-
14 finding hearing in a juvenile proceeding to determine whether a
15 juvenile should be adjudicated. Provided, further, such results
16 shall not be used as the sole basis for the revocation of a
17 community-based placement or participation in a community-based
18 program.

19 4. a. Upon request, the results of the literacy skills
20 assessment shall be given to the following:

- 21 (1) the child's intake, probation or parole
22 counselor,
- 23 (2) the parent or guardian of the child, or
- 24 (3) the child's attorney.

1 b. In accordance with the Juvenile Offender Tracking
2 Program and Section 620.6 of Title 10 of the Oklahoma
3 Statutes, the counselor may also provide the results
4 of the literacy skills assessment to therapists,
5 school personnel or others for use in the training and
6 rehabilitation of the child.

7 5. a. If the child is a juvenile placed in an institution or
8 facility operated by the Office of Juvenile Affairs,
9 the child shall be assessed and a literacy improvement
10 program shall be implemented in accordance with
11 Sections 2-7-601 and 2-7-603 of this title.

12 b. If the child is adjudicated delinquent or in need of
13 supervision or is being detained as part of a deferral
14 of prosecution agreement, deferral to file agreement
15 or a deferral sentence agreement, and the results of
16 the literacy skills assessment show that the child is
17 not reading at an age-appropriate level but has the
18 capacity to improve his or her reading skills, the
19 child shall be required to actively participate in a
20 literacy skills improvement program which may include,
21 but not be limited to, a program of instruction
22 through a public or private school, including any
23 technology center school, of this state or any other
24 state. The child shall provide documentation of

1 substantial quantifiable literacy improvement,
2 sufficient to demonstrate reading proficiency at an
3 age-appropriate or developmentally appropriate level;
4 provided, however, failure to demonstrate substantial
5 quantifiable literacy improvement shall not be the
6 sole basis for not dismissing a case against a child.

7 SECTION 22. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2-8-221 of Title 10A, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Whenever the district attorney for any district has
11 reasonable cause to believe that an individual, with knowledge of
12 its content, is engaged in sending a transmission or causing a
13 transmission to originate within this state containing obscene
14 material or child pornography, the district attorney for the
15 district into which the transmission is sent or caused to be sent,
16 may institute an action in the district court for an adjudication of
17 the obscenity or child pornographic content of the transmission.
18 Provided that if the conditions of subsection B of this section are
19 present, then it shall be at the discretion of the district attorney
20 whether the action instituted is a juvenile offense as defined in
21 subsection B of this section or whether the action instituted is a
22 felony for a violation of Section 1040.13a of Title 21 of the
23 Oklahoma Statutes.

1 The individual sending the transmission specified in this
2 section may be indicted and tried in any district wherein the
3 transmission is sent or in which it is received by the person to
4 whom it was transmitted.

5 For purposes of any criminal prosecution pursuant to a violation
6 of this section, the person violating the provisions of this section
7 shall be deemed to be within the jurisdiction of this state by the
8 fact of accessing any computer, cellular phone, or other computer-
9 related or satellite-operated device in this state, regardless of
10 the actual jurisdiction where the violator resides.

11 B. Any individual under eighteen (18) years of age who engages
12 in the original or relayed transmission of obscene or erotic
13 material via electronic media in the form of digital images, videos,
14 or other depictions of real persons under the age of eighteen (18)
15 years, and:

16 1. The original or relayed transmission is of another minor
17 over thirteen (13) years of age and is made with the consent of the
18 pictured individual and is transmitted to five (5) or fewer
19 individual destinations, known or unknown, shall be guilty of a
20 misdemeanor violation of this section punishable by:

- 21 a. a fine not to exceed Five Hundred Dollars (\$500.00)
22 for the first offense,
- 23 b. a fine not to exceed One Thousand Dollars (\$1,000.00)
24 for a second and subsequent offense,

1 c. up to forty (40) hours of community service, or

2 d. a referral to a juvenile bureau to propose a probation
3 plan which shall be adopted through disposition;

4 2. The original or relayed transmission is of another minor
5 over thirteen (13) years of age and is made without the consent of
6 the pictured individual, or is sent to six (6) or more individual
7 destinations, known or unknown, shall be guilty of a misdemeanor
8 violation of this section punishable by:

9 a. a fine not to exceed Seven Hundred Dollars (\$700.00)
10 for the first offense,

11 b. a fine not to exceed One Thousand Four Hundred Dollars
12 (\$1,400.00) for a second or subsequent offense,

13 c. up to sixty (60) hours of community service, and

14 d. a referral to a juvenile bureau to propose a probation
15 plan which shall be adopted through disposition; and

16 3. The original or relayed transmission is of another minor
17 thirteen (13) years of age or younger, with or without the pictured
18 individuals consent, and is transmitted to any number of
19 destinations, known or unknown, shall be guilty of a misdemeanor
20 violation of this section punishable by:

21 a. a fine not to exceed Nine Hundred Dollars (\$900.00)
22 for the first offense,

1 b. a fine not to exceed One Thousand Eight Hundred
2 Dollars (\$1,800.00) for a second or subsequent
3 offense,

4 c. up to eighty (80) hours of community service, and

5 d. a referral to a juvenile bureau to propose a probation
6 plan which may be adopted through disposition.

7 C. The fact that the individual making the transmission and the
8 individual pictured are the same does not alter the criminality
9 provided in this section.

10 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1283, as
11 amended by Section 9, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
12 Section 1283), is amended to read as follows:

13 Section 1283.

14 CONVICTED FELONS AND DELINQUENTS

15 A. Except as provided in subsection B of this section, it shall
16 be unlawful for any person convicted of any felony in any court of
17 this state or of another state or of the United States to have in
18 his or her possession or under his or her immediate control, or in
19 any vehicle which the person is operating, or in which the person is
20 riding as a passenger, or at the residence where the convicted
21 person resides, any pistol, imitation or homemade pistol, altered
22 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
23 other dangerous or deadly firearm.

1 B. Any person who has previously been convicted of a nonviolent
2 felony in any court of this state or of another state or of the
3 United States, and who has received a full and complete pardon from
4 the proper authority and has not been convicted of any other felony
5 offense which has not been pardoned, shall have restored the right
6 to possess any firearm or other weapon prohibited by subsection A of
7 this section, the right to apply for and carry a handgun, concealed
8 or unconcealed, pursuant to the Oklahoma Self-Defense Act and the
9 right to perform the duties of a peace officer, gunsmith, or for
10 firearms repair.

11 C. It shall be unlawful for any person supervised by the
12 Department of Corrections or any division thereof to have in his or
13 her possession or under his or her immediate control, or at his or
14 her residence, or in any passenger vehicle which the supervised
15 person is operating or is riding as a passenger, any pistol, shotgun
16 or rifle, including any imitation or homemade pistol, altered air or
17 toy pistol, shotgun or rifle, while such person is subject to
18 supervision, probation, parole or inmate status.

19 D. It shall be unlawful for any person previously adjudicated
20 as a delinquent child or a youthful offender for the commission of
21 an offense, ~~which would have constituted a felony offense if~~
22 ~~committed by an adult,~~ listed in paragraph 2 of Section 571 of Title
23 57 of the Oklahoma Statutes, Section 13.1 of this title or Section
24 2-5-206 of Title 10A of the Oklahoma Statutes to have in the

1 possession of the person or under the immediate control of the
2 person, or have in any vehicle which he or she is driving or in
3 which the person is riding as a passenger, or at the residence of
4 the person, any pistol, imitation or homemade pistol, altered air or
5 toy pistol, machine gun, sawed-off shotgun or rifle, or any other
6 dangerous or deadly firearm within ten (10) years after such
7 adjudication; provided, that nothing in this subsection shall be
8 construed to prohibit the placement of the person in a home with a
9 full-time duly appointed peace officer who is certified by the
10 Council on Law Enforcement Education and Training (CLEET) pursuant
11 to the provisions of Section 3311 of Title 70 of the Oklahoma
12 Statutes.

13 E. Any person having been issued a handgun license pursuant to
14 the provisions of the Oklahoma Self-Defense Act and who thereafter
15 knowingly or intentionally allows a convicted felon or adjudicated
16 delinquent ~~or a youthful offender~~ as prohibited by the provisions of
17 subsection A, C, or D of this section to possess or have control of
18 any pistol authorized by the Oklahoma Self-Defense Act shall, upon
19 conviction, be guilty of a felony punishable by a fine not to exceed
20 Five Thousand Dollars (\$5,000.00). In addition, the person shall
21 have the handgun license revoked by the Oklahoma State Bureau of
22 Investigation after a hearing and determination that the person has
23 violated the provisions of this section.

1 F. Any convicted or adjudicated person violating the provisions
2 of this section shall, upon conviction, be guilty of a felony
3 punishable as provided in Section 1284 of this title.

4 G. For purposes of this section, "sawed-off shotgun or rifle"
5 shall mean any shotgun or rifle which has been shortened to any
6 length.

7 H. For purposes of this section, "altered toy pistol" shall
8 mean any toy weapon which has been altered from its original
9 manufactured state to resemble a real weapon.

10 I. For purposes of this section, "altered air pistol" shall
11 mean any air pistol manufactured to propel projectiles by air
12 pressure which has been altered from its original manufactured
13 state.

14 SECTION 24. AMENDATORY 43A O.S. 2011, Section 5-507, is
15 amended to read as follows:

16 Section 5-507. A. No minor who is ~~taken~~ placed into emergency,
17 temporary or permanent custody of a state agency pursuant to ~~Section~~
18 ~~1-4-201~~ of Title 10A of the Oklahoma Statutes ~~as an alleged deprived~~
19 ~~child, or who has been adjudicated a ward of the court~~ shall be
20 admitted to a hospital or mental health or substance abuse treatment
21 facility:

22 1. On an emergency basis except as provided by this section;

23 2. For inpatient treatment except upon a commitment order of
24 the court pursuant to the provisions of subsection D of this section

1 and after a finding that the minor requires such services as
2 provided by Section 5-512 of this title.

3 B. After an initial assessment and a determination that a minor
4 is a minor in need of treatment, the minor may be admitted to a
5 hospital or mental health or substance abuse treatment facility on
6 an emergency basis for a period not to exceed five (5) days from the
7 time of admission, excluding weekends and holidays. On the next
8 business day following admission, notice of such admission shall be
9 given by the person responsible for the supervision of the case, as
10 applicable, to the minor's attorney, Court Appointed Special
11 Advocate (CASA) or guardian ad litem, the court and district
12 attorney.

13 C. A minor admitted on an emergency basis pursuant to this
14 section shall be evaluated and the mental health evaluation
15 submitted to the district attorney within forty-eight (48) hours of
16 admission, excluding weekends and holidays. The mental health
17 evaluation shall be performed by a licensed mental health
18 professional at the facility.

19 D. If after an inpatient or outpatient mental health evaluation
20 it appears that the minor may require inpatient treatment, the
21 district attorney shall file a petition as provided by Section 5-509
22 of this title within three (3) days after receiving the mental
23 health evaluation requesting an order committing the minor to a
24 facility for inpatient treatment. After the filing of a petition

1 and upon issuance of a prehearing detention order, the minor may be
2 detained in the facility for no longer than necessary for a hearing
3 on the petition as provided by Section 5-510 of this title or
4 further order of the court.

5 E. Nothing in this section shall be interpreted to preclude or
6 prohibit a parent having physical custody of a minor who is a ward
7 of the court from arranging for an emergency admission of the minor.
8 In such cases, the parent shall immediately notify the person
9 responsible for the supervision of the case of the admission.

10 SECTION 25. AMENDATORY 70 O.S. 2011, Section 24-101.3,
11 is amended to read as follows:

12 Section 24-101.3. A. Any student who is guilty of an act
13 described in paragraph 1 of subsection C of this section may be
14 suspended out-of-school in accordance with the provisions of this
15 section. Each school district board of education shall adopt a
16 policy with procedures which provides for out-of-school suspension
17 of students. The policy shall address the term of the out-of-school
18 suspension, provide an appeals process as described in subsection B
19 of this section, and provide that before a student is suspended out-
20 of-school, the school or district administration shall consider and
21 apply, if appropriate, alternative in-school placement options that
22 are not to be considered suspension, such as placement in an
23 alternative school setting, reassignment to another classroom, or
24 in-school detention. The policy shall address education for

1 students subject to the provisions of subsection D of this section
2 and whether participation in extracurricular activities shall be
3 permitted.

4 B. 1. Students suspended out-of-school for ten (10) or fewer
5 days shall have the right to appeal the decision of the
6 administration as provided in the policy required in subsection A of
7 this section. The policy shall specify whether appeals for short-
8 term suspensions as provided in this subsection shall be to a local
9 committee composed of district administrators or teachers or both,
10 or to the district board of education. Upon full investigation of
11 the matter, the committee or board shall determine the guilt or
12 innocence of the student and the reasonableness of the term of the
13 out-of-school suspension. If the policy requires appeals for short-
14 term suspensions to a committee, the policy adopted by the board
15 may, but is not required to, provide for appeal of the committee's
16 decision to the board.

17 2. Students suspended out-of-school for more than ten (10) days
18 and students suspended pursuant to the provisions of paragraph 2 of
19 subsection C of this section may request a review of the suspension
20 with the administration of the district. If the administration does
21 not withdraw the suspension, the student shall have the right to
22 appeal the decision of the administration to the district board of
23 education. Except as otherwise provided for in paragraph 2 of
24 subsection C of this section, no out-of-school suspension shall

1 extend beyond the current semester and the succeeding semester.
2 Upon full investigation of the matter, the board shall determine the
3 guilt or innocence of the student and the reasonableness of the term
4 of the out-of-school suspension. A board of education may conduct
5 the hearing and render the final decision or may appoint a hearing
6 officer to conduct the hearing and render the final decision. The
7 decision of the district board of education or the hearing officer,
8 if applicable, shall be final.

9 C. 1. Students who are guilty of any of the following acts may
10 be suspended out-of-school by the administration of the school or
11 district:

- 12 a. violation of a school regulation,
- 13 b. ~~immorality,~~
- 14 ~~c. adjudication as a delinquent for an offense that is~~
15 ~~not a violent offense. For the purposes of this~~
16 ~~section, "violent offense" shall include those~~
17 ~~offenses listed as the exceptions to the term~~
18 ~~"nonviolent offense" as specified in Section 571 of~~
19 ~~Title 57 of the Oklahoma Statutes. "Violent offense"~~
20 ~~shall include the offense of assault with a dangerous~~
21 ~~weapon but shall not include the offense of assault,~~
- 22 ~~d.~~ possession of an intoxicating beverage, low-point
23 beer, as defined by Section 163.2 of Title 37 of the
24 Oklahoma Statutes, or missing or stolen property if

1 the property is reasonably suspected to have been
2 taken from a student, a school employee, or the school
3 during school activities, and

4 ~~e.~~

5 c. possession of a dangerous weapon or a controlled
6 dangerous substance while on public school property,
7 at a school event, as defined in the Uniform
8 Controlled Dangerous Substances Act. Possession of a
9 firearm shall result in out-of-school suspension as
10 provided in paragraph 2 of this subsection.

11 2. Any student found in possession of a firearm while on any
12 public school property or while in any school bus or other vehicle
13 used by a public school for transportation of students or teachers
14 shall be suspended out-of-school for a period of not less than one
15 (1) year, to be determined by the district board of education
16 pursuant to the provisions of this section. The term of the
17 suspension may be modified by the district superintendent on a case-
18 by-case basis. For purposes of this paragraph the term "firearm"
19 shall mean and include all weapons as defined by 18 U.S.C., Section
20 921.

21 3. Any student in grades six through twelve found to have
22 assaulted, attempted to cause physical bodily injury, or acted in a
23 manner that could reasonably cause bodily injury to a school
24 employee or a person volunteering for a school as prohibited

1 pursuant to Section ~~81~~ 6-146 of this ~~act~~ title shall be suspended
2 for the remainder of the current semester and the next consecutive
3 semester, to be determined by the board of education pursuant to the
4 provisions of this section. The term of the suspension may be
5 modified by the district superintendent on a case-by-case basis.

6 D. At its discretion a school district may provide an education
7 plan for students suspended out-of-school for five (5) or fewer days
8 pursuant to the provisions of this subsection. The following
9 provisions shall apply to students who are suspended out-of-school
10 for more than five (5) days and who are guilty of acts listed in
11 subparagraphs a, and b, ~~c and d~~ of paragraph 1 of subsection C of
12 this section. Upon the out-of-school suspension, the parent or
13 guardian of a student suspended out-of-school pursuant to the
14 provisions of this subsection shall be responsible for the provision
15 of a supervised, structured environment in which the parent or
16 guardian shall place the student and bear responsibility for
17 monitoring the student's educational progress until the student is
18 readmitted into school. The school administration shall provide the
19 student with an education plan designed for the eventual
20 reintegration of the student into school which provides only for the
21 core units in which the student is enrolled. A copy of the
22 education plan shall also be provided to the student's parent or
23 guardian. For the purposes of this section, the core units shall
24 consist of the minimum English, mathematics, science, social studies

1 and art units required by the State Board of Education for grade
2 completion in grades kindergarten through eight and for high school
3 graduation in grades nine through twelve. The plan shall set out
4 the procedure for education and shall address academic credit for
5 work satisfactorily completed.

6 E. A student who has been suspended out-of-school from a public
7 or private school in the State of Oklahoma or another state for a
8 violent act or an act showing deliberate or reckless disregard for
9 the health or safety of faculty or other students shall not be
10 entitled to enroll in a public school of this state, and no public
11 school shall be required to enroll the student, until the terms of
12 the suspension have been met or the time of suspension has expired.

13 F. No public school of this state shall be required to provide
14 education services in the regular school setting to any student who
15 has been adjudicated as a delinquent for an offense defined in
16 Section 571 of Title 57 of the Oklahoma Statutes as an exception to
17 a nonviolent offense or convicted as an adult of an offense defined
18 in Section 571 of Title 57 of the Oklahoma Statutes as an exception
19 to a nonviolent offense, who has been removed from a public or
20 private school in the State of Oklahoma or another state by
21 administrative or judicial process for a violent act or an act
22 showing deliberate or reckless disregard for the health or safety of
23 faculty or other students, or who has been suspended as provided for
24 in paragraph 3 of subsection C of this section until the school in

1 which the student is subsequently enrolled determines that the
2 student no longer poses a threat to self, other students or school
3 district faculty or employees. Until the school in which such
4 student subsequently enrolls or re-enrolls determines that the
5 student no longer poses a threat to self, other students or school
6 district faculty or employees, the school may provide education
7 services through an alternative school setting, home-based
8 instruction, or other appropriate setting. If the school provides
9 education services to such student at a district school facility,
10 the school shall notify any student or school district faculty or
11 employee victims of such student, when known, and shall ensure that
12 the student will not be allowed in the general vicinity of or
13 contact with a victim of the student, provided such victim notifies
14 the school of the victim's desire to refrain from contact with the
15 offending student.

16 G. Students suspended out-of-school who are on an
17 individualized education plan pursuant to the Individuals with
18 Disabilities Education Act, P.L. No. 101-476, or who are subject to
19 the provisions of subsection F of this section and who are on an
20 individualized education plan shall be provided the education and
21 related services in accordance with the student's individualized
22 education plan.

23 H. A student who has been suspended for a violent offense which
24 is directed towards a classroom teacher shall not be allowed to

1 return to that teacher's classroom without the approval of that
2 teacher.

3 I. No school board, administrator or teacher may be held
4 civilly liable for any action taken in good faith which is
5 authorized by this section.

6 SECTION 26. RECODIFICATION 21 O.S. 2011, Sections 1215
7 and 1216, shall be recodified as Sections 2-8-222 and 2-8-223 of
8 Title 10A of the Oklahoma Statutes, unless there is created a
9 duplication in numbering.

10 SECTION 27. RECODIFICATION 37 O.S. 2011, Section 600.4,
11 shall be recodified as Section 2-8-224 of Title 10A of the Oklahoma
12 Statutes, unless there is created a duplication in numbering.

13 SECTION 28. REPEALER 10 O.S. 2011, Sections 22 and 24,
14 are hereby repealed.

15 SECTION 29. REPEALER 10 O.S. 2011, Sections 130.1,
16 130.2, 130.3, 130.4, 130.5, 130.6, 130.7, 130.8 and 130.9, are
17 hereby repealed.

18 SECTION 30. REPEALER 10 O.S. 2011, Section 1101.1, is
19 hereby repealed.

20 SECTION 31. REPEALER 10A O.S. 2011, Section 2-2-806, as
21 amended by Section 40, Chapter 304, O.S.L. 2012 (10A O.S. Supp.
22 2012, Section 2-2-806), is hereby repealed.

SECTION 32. This act shall become effective November 1, 2013.

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